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JOURNALS

OF THE
J. H. Sullivan
HOUSE OF REPRESENTATIVES

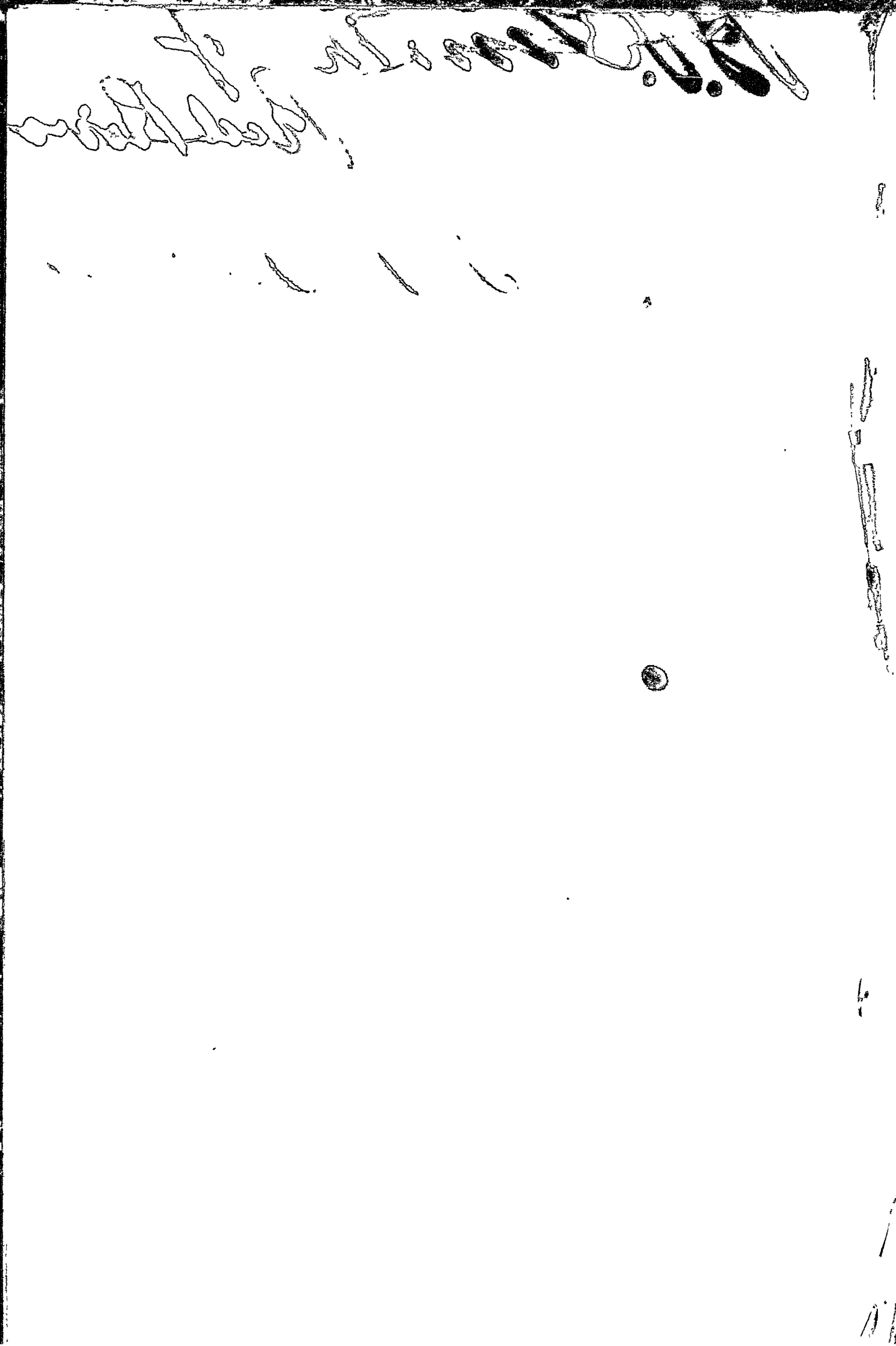
OF THE
STATE OF TEXAS.

SECOND LEGISLATURE.

UNIVERSITY OF TEXAS
AUSTIN.
APR 22 1900

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JOURNALS

OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF TEXAS.

House of Representatives,
Austin, December 13th, 1847.

Pursuant to the proclamation of his Excellency the Governor of the State of Texas, the second Legislature of the State of Texas, convened at the Capital in the city of Austin, on Monday the 13th day of December, A. D. 1847, and was organized by the Hon. David G. Burnett, Secretary of State, assisted by Mr. Ben. F. Hill former Chief Clerk of the House of Representatives.

The roll of counties being called alphabetically, the following members came forward, presented their credentials, took the oath prescribed by the Constitution of the State and their seats.

Austin County, Honorables W. E. Crump and Chas. Rai-
ley.

Brazoria county, Honorables E. M. Pease and Guy M.
Bryan.

Bastrop county, Honorable Thomas J. Hardiman.

Bowie county, Honorables H. R. Runnels and S. F. Mose-
ley.

Colorado county, Honorables W. B. Perry and Jno. F. Mil-
ler.

Fannin county, Honorables S. Bogart and T. J. Shannon.

Fort Bend county, Honorable W. S. Rayner.

Fayette county, Honorables W. H. Crutcher and W. G.
Webb.

Galveston county, Honorables M. M. Potter and H. Stuart.

Goliad county, Honorable J. W. Stoddard.

Gonzales county, Honorables J. D. Anderson and J. L. Allen.

Houston county, Honorables W. T. Saddler and S. A. Miller.

Harris county, Honorables J. W. Henderson and M. T. Rogers.

Harrison county, Honorables R. N. Goode, E. M. Wilder and J. F. Taylor.

Jasper county, Honorable Z. Wms. Eddy.

Jefferson county, Honorable James Armstrong.

Jackson county, Honorable B. J. White.

Liberty county, Honorable Jack Davis and Wm. Fields.

Montgomery county, Honorables A. McNiell, C. J. Keenan, T. Caruthers and J. B. McCown.

Nacogdoches county, Honorables E. Lott, A. Sterne and J. H. Reagan.

Rusk county, Honorables J. H. Lyons and Jesse Walling.

Robertson county, Honorables J. M. Davis and C. M. Winkler.

Red River county, Honorables B. H. Epperson, W. B. Stout, and J. Gilliam.

San Augustine county, Honorables W. C. Edwards and O. M. Wheeler.

Shelby county, Honorables James Truitt and Emory Rains.

Sabine county, Honorables J. M. Burroughs and P. Renfro.

San Patricio county, Honorable M. B. Lamar.

Victoria county, Honorable A. J. Cunningham.

Washington county, Honorables Jas. Willie, V. R. Iron and J. B. Robertson.

Brazos county, Honorable E. M. Millican.

Lamar county, Honorables W. H. Bourland and Johnson Wren.

Milam county, Hon. James Shaw.

Travis county, Hon. S. G. Haynie.

A quorum present.

The election for Speaker being next in order, Mr. Burroughs nominated Mr. M. B. Lamar.

Mr. Mosely nominated J. W. Henderson.

There being no other nominations the House proceeded to ballot.

The Secretary of State appointed Messrs. Moseley, Burroughs and Anderson, Tellers.

Mr. Lamar having received 24 votes and Mr. Henderson 34 votes,

Mr. Henderson was declared duly elected Speaker of the House of Representatives.

On motion of Mr. Rayner,

A committee was appointed to conduct the Speaker elect to the chair.

The Secretary of State appointed Messrs. Rayner, Pease and Miller of Houston said committee.

The Speaker was conducted to the Chair and addressed the House as follows.

Gentlemen of the House of Representatives:

Having been selected to preside over the deliberations of this body, by the voice of a majority of its members, I feel, and sensibly feel, that you have imposed upon me a high and responsible trust. One, in the discharge of which, the most experienced will often fail to give entire satisfaction. I therefore approach the station to which your partiality has called me, doubting my ability to bring to it that *efficiency* which may be expected. Intricate and difficult questions may, and doubtless *will* arise, upon which it will be my duty to decide, and upon which I may fall into unintentional error; but from which, I shall always expect to find a ready correction in the intelligence of this House—upon which I must be permitted to draw in all such events.

Gentlemen! When I look around me, on my right and left, I behold the faces of but few, with whom it has been my pleasure and pride to have acted heretofore, in a legislative capacity; and to have received *this mark of your confidence*, under any circumstances, could but be gratifying to me; but it becomes doubly so, when I reflect that you have thought proper to confer it upon one whose experience has been but limited.

Gentlemen! For the honor you have conferred, I return you my heart-felt thanks; and can only assure you in return,

that I shall endeavor to discharge the duties of my station, in accordance with the rules that you may adopt for your Government.

We have important duties to discharge, and they can only be accomplished with satisfaction to ourselves, and with interest to the people we represent, by *unity of action* and good understanding between the members of this House. To accomplish which, you will always have my hearty co-operation.

In conclusion, permit me to indulge the hope, that a kind Providence will shield and protect the interest of our State from all harm; and so direct our deliberations that they will be conducive to the advancement, happiness and honor of the people, to whom we all owe a strict accountability.

On motion of Mr. Bourland,
The House adjourned until 2 o'clock, p. m.

2 o'clock, p. m.

The House met pursuant to adjournment.

Roll called—and the following members answered to their names.

Messrs. Crump, Railey, Pease, Bryan, Hardiman, Runnels, Moseley, Perry, Miller, Bogart, Shannon, Rayner, Crutcher, Webb, Potter, Stuart, Stoddard, Anderson, Allen, Sadler, Miller of Houston, Henderson, Rogers, Goode, Wilder, Taylor, Eddy, Armstrong, White, Davis of Liberty, Fields, McNeill, Keenan, Caruthers, McCown, Lott, Sterne, Reagan, Lyons, Walling, Davis of Robertson, Winkler, Epperson, Stout, Gilliam, Edwards, Wheeler, Truitt, Rains, Burroughs, Renfro, Lamar, Cunningham, Willie, Irion, Robertson, Milican, Bourland, Wren, Shaw and Haynie.

A quorum present.

Mr. Armstrong came forward, presented his credentials, took the oath and his seat.

On motion of Mr. Sadler,

The House proceeded to the election of a Chief Clerk.

Mr. Rayner nominated Mr. Ben. F. Hill.

Mr. Sadler " " Jas. S. Noble.

On motion of Mr. Miller of Houston,

Tellers were appointed.

The Speaker appointed Messrs. Miller of H., Truit and Robertson.

Mr. Hill received 33 votes.

Mr. Noble received 24 votes.

Mr. Hill having received a majority of all the votes was declared duly elected Chief Clerk of the House of Representatives.

Mr. Anderson moved that the House go into the election of an Engrossing Clerk.

Lost.

On motion of Mr. Bogart,

The House proceeded to the election of an Assistant Clerk.

Mr. Truitt nominated Mr. Charles L. Mann.

" Bourland " " J. E. McClellan.

" Robertson " " E. Sterling C. Robertson.

" Mann received 19 votes.

" McClellan " 12 "

" Robertson " 26 "

Neither candidate having received a majority of all the votes, the House proceeded to a second balloting.

Mr. Bourland withdrew the nomination of Mr. McClellan.

On the second ballot, Mr. Robertson received 31 votes.

Mr. Mann received 26 votes.

Mr. Robertson having received a majority of all the votes was declared duly elected Assistant Clerk of the House of Representatives.

The House then proceeded to the election of an Engrossing Clerk.

Mr. McNeill nominated Mr. Pitts.

" Stuart " " Minor.

" Taylor " " Wooldridge.

" Pitts received 45 votes.

" Minor received 8 votes.

" Wooldridge received 4 votes.

Mr. Pitts having received a majority of all the votes, was

declared duly elected Engrossing Clerk of the House of Representatives.

Mr. Bogart moved to proceed to the election of a Door Keeper.

Lost.

On motion of Mr. McNeill,

The House proceeded to the election of an Enrolling Clerk.

Mr. Crump nominated Mr. Hotchkiss.

Mr. Sterne nominated Mr. A. G. Kimbell.

Mr. Kimbell received 37 votes.

Mr. Hotchkiss received 23 votes.

Mr. Kimbell having received a majority of all the votes was declared duly elected Enrolling Clerk of the House of Representatives.

The House then proceeded to the election of a Door Keeper.

Mr. Pease nominated Mr. Cockburn.

" Lott	"	"	Searcy.
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" Willie	"	"	Reese.
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" Wren	"	"	Stroud.
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" Anderson	"	"	Harrell.
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" Irion	"	"	Sol Johnson.
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Mr. Cockburn received 17 votes.

" Searcy	"	15	"
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" Reese	"	5	"
---------	---	---	---

" Stroud	"	7	"
----------	---	---	---

" Harrell	"	14	"
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" Johnson	"	2	"
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No candidate having received a majority of all the votes, the House proceeded to a second balloting.

Mr. Cockburn received 21 votes.

" Searcy	"	15	"
----------	---	----	---

" Stroud	"	6	"
----------	---	---	---

" Harrell	"	14	"
-----------	---	----	---

" Johnson	"	3	"
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" *John Thomas Church* received 2 votes.

Neither candidate having received a majority of all the votes, the House proceeded a third balloting.

Mr. Coburn received 25 votes.

" Searcy	"	18	"
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" Stroud	"	1	"
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" Harrell	"	16	"
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Neither candidate having received a majority of all the votes, the House proceeded to a fourth balloting:

Mr. Irion withdrew the nomination of Sol Johnson—whereupon,

Mr. Cockburn received 29 votes.

“ Searcy “ 16 “

“ Harrell “ 16 “

Neither of the candidates having received a majority of all the votes, the House proceeded to a fifth balloting—

Whereupon,

Mr. Cockburn received 31 votes.

“ Searcy “ 17 “

“ Harrell “ 12 “

Mr. Cockburn having received a majority of all the votes, was declared duly elected Door Keeper of the House of Representatives.

On motion of Mr. Keenan,

The House proceeded to the election of a Sergeant-at-Arms.

Mr. Keenan nominated Mr. Pearce

“ Davis of Robertson nominated Mr. Harris.

“ Allen nominated Mr. Colley.

“ Irion “ “ Hardiman.

“ Reagan “ “ Farr.

“ Edwards “ “ Renfro.

Whereupon,

Mr. Pearce received 12 votes.

“ Harris “ 6 “

“ Colley “ 5 “

“ Hardiman “ 24 “

“ Farr “ 1 “

“ Renfro “ 12 “

Neither candidate having received a majority of all the votes, the House proceeded to a second balloting—whereupon,

Mr. Pearce received 6 votes.

“ Harris “ 7 “

“ Colley “ 2 “

“ Hardiman “ 31 “

“ Renfro “ 14 “

Mr. Hardiman having received a majority of all the votes, was declared duly elected Sergeant-at-Arms of the House of Representatives.

On motion of Mr. W

The officers came forward and took the oath of office.

By leave, Mr. Eddy introduced the following resolution.

Resolved that the standing rules of the last session of the Legislature be adopted for the government of this House.

Mr. Bourland moved to amend the resolution by adding the words, "until the House shall see fit to adopt others.

Carried.

Mr. Lyons moved to refer the resolution to a committee:

Lost.

The question was then taken and carried on the adoption of the resolution as amended.

On motion of Mr. McNeill.

The House adjourned until to-morrow 9 o'clock.

House of Representatives,
City of Austin, Dec. 14, 1847.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names :

Messrs. Speaker, Allen, Anderson, Bogart, Bryan, Burroughs, Caruthers, Crutchers, Cunningham, Davis of Liberty, Eddy, Edwards, Epperson, Fields, Gillaim, Goode, Hardiman, Haynie, Irion, Keenan, Lyons, McCown, Miller of Houston, Miller of Colorado, Milican, Mosely, Potter, Rayner, Rains, Reagan, Renfro, Runnels, Sadler, Shannon, Stuart, Sterne, Stout, Stoddard, Taylor, Truitt, Walling, Webb, Wheeler, Winkler, Wren and Wilder.

A quorum present.

The Journal of the preceding day was read and adopted.

On motion of Mr. Sadler, the House adjourned until 2 o'clock, p. m.

2 o'clock, p. m.

The House met—roll called.

And the following members answered to their names :

Messrs. Speaker, Anderson, Bogart, Bourland, Bryan, Burroughs, Caruthers, Crump, Crutcher, Cunningham, Davis of Liberty, Davis of Robertson, Eddy, Edwards, Fields, Gilliam, Goode, Hardiman, Haynie, Irion, Keenan, Lamar, Lott, Lyons, McNeill, McCown, Miller of Houston, Miller of Colorado, Mili-can, Mosely, Pease, Potter, Rayner, Rains, Railey, Reagan, Renfro, Robertson, Rogers, Runnels, Sadler, Shannon, Shaw, Stuart, Sterne, Stout, Stoddard, Taylor, Truitt, Walling, Webb, Wheeler, Winkler, Wren, Wilder and White.

A quorum present.

Mr. Miller, of Houston, moved the chair appoint the following Standing Committees :—

Committee on the Judiciary ;

"	"	State Affairs ;
"	"	Land Office Department ;
"	"	Privileges and Elections ;
"	"	Claims and Accounts ;
"	"	Finance ;
"	"	Printing ;
"	"	Education ;
"	"	Internal Improvements ;
"	"	Enrolled Bills ;
"	"	Public Buildings.

Mr. Rayner moved to amend the motion by adding the Committee on Engrossed Bills.

Carried.

Mr. Keenan moved to amend the motion of Mr. Miller, of H., by adding "the Committees on County Boundaries and Contingent Expenses."

Carried.

Mr. McNeill moved to amend the motion of Mr. Miller, of H., by adding the "Committee on Public Lands."

Carried.

The question on the motion of Mr. Miller, of H., as amended, was then taken and carried.

Mr. Allen moved a committee be appointed to wait on the Hon. Senate, and inform that body, that the House of Representatives was organized, and ready to proceed to business.

Carried.

The chair appointed Messrs. Allen, Robertsen and Winkler said committee.

Mr. Truitt moved the House adjourn until to-morrow morning, 9 o'clock.

Lost.

Mr. Gilliam moved the House take a recess for one hour.

Lost.

Mr. Reagan moved a standing committee be appointed, to enquire into the extent of Colony Contracts.

By leave, Mr. Reagan withdrew the motion.

On motion of Mr. McNeill, the House adjourned until to-morrow morning, 9 o'clock.

House of Representatives,
City of Austin, Dec. 15th, 1847.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs Speaker, Anderson, Armstrong, Bogart, Bourland, Caruthers, Crump, Cunningham, Davis of L., Davis of R., Ed-

dy, Edwards, Gilliam, Goode, Hardiman, Haynie, Keenan, Lyons, McNeill, Miller of H., Milican, Moseley, Pease, Potter, Rayner, Rains, Railey, Reagan, Renfro, Robertson, Rogers, Runnels, Sadler, Shaw, Stuart, Stoddard, Taylor, Truitt, Walling, Webb, Wheeler, Willie, Wren, Wilder and White.

A quorum present.

The Journal of the preceding day was read and adopted.

The Chair announced the following Standing Committees of the House of Representatives:—

Committee on the Judiciary—

Messrs. Pease, Willie, Potter, Armstrong, Moseley, Epperson, Winkler, Davis of L., Gilliam and Miller of H.

Committee on Finance—

Messrs. Stuart, Keenan, Taylor, Wheeler, Sadler, Bourland, McNeill, Shaw and Fields.

Committee on State Affairs—

Messrs. Lamar, McCown, Bogart, Miller of H., Eddy, Wilder, Lyons, Lott and Allen.

Committee on Internal Improvements—

Messrs. Robertson, Miller of C., Davis of R., Shannon, Wren, Railey, Renfro and Rains.

Committee on Education—

Messrs. Keenan, Bryan, Crutcher, Runnels, Burroughs, Stuart, Haynie, Webb and Edwards.

Committee on Military Affairs—

Messrs. Crump, White, Walling, Truitt, Hardiman, Perry, Lamar, Rogers and Stout.

Committee on County Boundaries—

Messrs. Irion, Caruthers, Stoddard, Milican, Perry, Reagan and Taylor.

Committee on Public Lands—

Messrs. Anderson, Reagan, Burroughs, Willie, Davis of L., Hardiman, Bourland, Shannon, Millican and Davis of R.

Committee on the Land Office—

Messrs. McNeill, Fields, Armstrong, Bogart, Lott, Lyons, Goode, Truitt and Irion.

Committee on Privileges and Elections—

Messrs. Cunningham, Goode, Rayner, Perry, Crump, Stoddard, Rogers, Bourland and Davis of L.

Committee on Public Buildings—

Messrs. Sadler, Sterne, Stout, Potter, Webb, Wheeler, Winkler, Shaw and Shannon.

Committee on Printing—

Messrs. Fields, Eddy, Haynie, Allen, Epperson, Moseley and Stuart.

Committee on Claims and Accounts—

Messrs. Rayner, Rains, Railey, Renfro, Gilliam, Caruthers, Wilder and Wren.

Committee on Contingent Expenses—

Messrs. Allen, Miller of C., McCown, Miller of H., Robertson, Edwards, Davis of R., Walling and White.

Committee on Engrossed Bills—

Messrs. Bryan, Crutcher, Cunningham and Anderson.

Committee on Enrolled Bills—

Messrs. Burroughs, Irion, Rannels, Webb and Haynie.

Mr. Allen, chairman of the committee appointed to inform the Hon. Senate that the House of Representatives was organized, and ready to proceed to business, reported duty performed.

Mr. Anderson moved that a Standing committee on the Penitentiary be appointed.

Carried.

Mr. Lyons moved that a committee on Roads and Public Highways be appointed.

Carried.

Mr. Webb moved that a committee be appointed to act in conjunction with a like committee on the part of the Senate, to wait on His Excellency, the Governor, and inform him that the two Houses of the Legislature are now organized, and ready to receive any communication he may be pleased to make.

Carried.

The Chair appointed Messrs. Webb, Willie and Taylor said committee.

On motion of Mr. Gilliam, Mr. Shannon was added to the committee on Public Lands.

A committee from the hon. Senate appeared and informed

the House that the Senate was organized, and ready to proceed to business.

Mr. Miller, of H., introduced the following resolution:

Resolved, That the hon. Senate be invited by a committee of three, to be appointed by the Speaker, to meet the House in the Representative Hall, at 3 o'clock to-day, to go into the election of Senator for this State to the United States Congress.

Read and adopted.

The chair appointed Messrs. Miller of H., Lyons and Crutcher, a committee to invite the hon. the Senate to meet the House of Representatives at 3 o'clock, for the purpose of electing a Senator to the Senate of the United States.

Mr. Miller of H., chairman of the committee to wait on the Senate, reported duty performed.

A message was received from the Senate, informing the House that the Senate had organized, and was ready for business, having elected

Mr. N. C. Raymond, Secretary,

“ J. F. Johnson, Assistant do.,

“ Wallace, Engrossing Clerk,

“ Jones, Enrolling do.,

“ Ward, Sergeant-at-Arms,

“ McNally, Door-keeper,

And that they had appointed Messrs. Wallace, Dancy and Grimes, a committee to wait on the Governor, with a like committee on the part of the House, and inform him that the two houses of the Legislature were organized, and ready to proceed to business.

A committee from the Senate, appeared and informed the House that the Senate would meet the House at three o'clock, for the purpose of electing a Senator.

Mr. Cunningham presented the petition of S. Hatch, which was read, and referred to the committee on Claims and Accounts.

Mr. Eddy presented the petition of John R. Burke and one hundred and thirteen others, citizens of Newton county, which was read, and referred to committee on County Boundaries.

Mr. Reagan presented a petition from the citizens of Henderson county, which was read, and referred to the committee on County Boundaries.

Mr. Webb, chairman of the committee appointed to wait on his Excellency, the Governor, reported duty performed.

Mr. Hardiman presented the petition of Wm. J. S. Carter and wife, which was read, and referred to the Judiciary committee.

Mr. Davis, of L., presented a petition from the citizens of Tyler county, which was read, and referred to the committee on the Judiciary.

Mr. Winkler presented a petition from the citizens of Navarro county, which was read, and referred to the committee on County Boundaries.

Mr. Bogart presented a petition from the citizens of the county of Collin, which was read, and referred to the committee on County Boundaries.

Mr. Haynie introduced the following resolution :

Resolved, That the postage of newspapers, sent by members of this House, be pre-paid out of the contingent appropriation of this House.

Read and adopted.

Mr. Haynie introduced the following resolution :

Resolved, That a committee consisting of one member from each Judicial district be appointed by the chair, for the purpose of drawing up suitable instructions to our members in the United States Congress, relative to post routes in this State, and that the committee be instructed to report the result of their deliberations as soon as practicable.

Mr. Gilliam moved to amend the resolution by inserting the words—"Resolved, that the Senate be requested to concur in the foregoing resolution."

Mr. Willie moved to amend the amendment, by striking out all after the word "requested" and inserting "to appoint a like committee."

Carried.

The question was then taken on the adoption of the resolution as amended, and carried.

Mr. Neal, from the county of Refugio, came forward and presented his certificate of election. The certificate of election not appearing to the Speaker to be in legal form, the chair

appealed to the House whether the member elect should be sworn in and take his seat, which question was decided in the affirmative.

Mr. Neal then came forward, took the oath and his seat.

Mr. Hardiman presented the petition of Mr. Power, with accompanying documents, contesting the seat of Mr. Neal which were read, and

On motion of Mr. Hardiman, were referred, together with the certificate of election of Mr. Neal, to the committee on Privileges and Elections.

Mr. Lott introduced the following resolution :

Resolved by the House, That the Speaker appoint a committee of five for the purpose of reporting such rules as they may deem necessary for the governance of the House, and report thereon at as early a day as practicable.

Read and adopted.

Mr. Webb moved that a committee of five, on Federal Relations be appointed.

Carried.

The chair appointed Messrs. Webb, Anderson, Reagan, Bogart and Renfro said committee.

Mr. Miller, of H., introduced the following resolution :

Resolved, That the committee on Federal Relations be instructed by the Speaker to draft suitable resolutions requesting our Representatives and instructing our Senators to procure the passage of a law to pay the volunteers of Texas, who turned out under the call of Col. Curtis, in 1847.

Read and adopted.

On motion of Mr. Anderson, the House adjourned until 2 o'clock, p. m.

2 o'clock, P. M.

The House met pursuant to adjournment.

Roll called, and the following members answered to their names :

Messrs. Speaker, Allen, Anderson, Armstrong, Bogart, Bourland, Caruthers, Crump, Crutcher, Cunningham, Davis of L., Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardiman, Haynie, Irion, Keenan, Lott, Lyons, McNeill, Miller of H., Miller of C., Milican, Mosely, Neal, Perry, Rayner, Rains, Reagan, Renfro, Robertson, Rogers, Runnels, Sadler, Shannon, Shaw, Stuart, Sterne, Stout, Stoddard, Taylor, Truitt, Walling, Webb, Wheeler, Winkler, Willie, Wren and Wilder.

A quorum present.

Mr. Keenan moved that all Editors and conductors of public journals be admitted to seats within the bar of the House.

Carried.

Mr. Gilliam introduced the following resolution :

Resolved, That the committee on Printing be instructed to contract for copies of the Texas Democrat, for the use of the House.

Mr. Eddy moved to fill the blank with "six."

Mr. Miller of H. moved to fill the blank with "ten" for each member.

Mr. Willie moved to fill the blank with "one thousand."

Lost.

The question on filling the blank with the words "ten for each member," was taken and carried.

The question on the adoption of the resolution as amended, was then taken and carried.

On motion of Mr. Bourland, the House took a recess for 15 minutes.

House met—quorum present.

A message from His Excellency the Governor was received.

His Excellency the Lieutenant Governor and members of the Senate were announced at the bar of the House.

The Speaker invited the Lieutenant Governor to a seat on the right, and the Hon. Senators to seats prepared for them.

On motion of Mr. Truitt, the following biennial message of His Excellency the Governor was taken up and read.

Executive Office, Austin, Texas. }
Wednesday, December 15, 1847. }

*Gentlemen of the Senate and
House of Representatives :*

In again greeting the Representatives of the people of Texas, I congratulate you upon the prosperous and happy condition of our country.

At no period since the people of Texas declared their Independence and established a government of their own choice, has their Legislature met under circumstances better calculated to call forth their unbounded gratitude and praise to the great Creator and Ruler of the universe. Let us invoke a continuance of the favors of Heaven, and so conduct ourselves as a people that we may deserve its bounties.

As my official connection with you is about to terminate, in making this communication, imposed upon me by the Constitution, I will confine it chiefly to such measures as have been acted upon since the adjournment of our last Legislature ; leaving it to my successor to direct your attention to such other subjects for your consideration as he may think requires legislative action.

About the close of the last session of our Legislature, it was announced that the Mexican army had commenced hostilities against the United States by attacking her troops on the Rio Grande within the limits of the State of Texas. At the same time a requisition was made upon the Executive of Texas for two thousand men to aid in the defence of our country. That call upon the chivalry and patriotism of our citizens was nobly responded to by them. The termination of the campaign against Monterey which redounded so much to the glory of this nation,

and the part taken in it by our citizen soldiers is well known to you all. Universal and almost unparalleled success has crowned the American arms, since the commencement of the Mexican war, and proclaims the justness of our cause.

The battles of Palo Alto, Resaca de la Palma, Monterrey, Buena Vista, Vera Cruz, Cerro Gorda and the city of Mexico, have entwined new laurels around the American name, and confirms the well placed confidence of our government and people in the bravery and patriotism of our regular and citizen soldiers. It is interesting to the Christian and the benevolent to see the humanity with which this war has been conducted on the part of the American government; a war, too, which has been forced upon us by that vain glorious nation, by the many injuries which she has heaped upon citizens of the United States, and the insults which she has so repeatedly offered to our officers and Government, and finally by attacking and making war upon our army within our own territory. But why should I recur to facts which are so familiar to you all? It is not necessary to make an argument to justify this war before the people of Texas. We have all seen and felt the injustice of Mexico, and fully justify every act of our Government towards that people. If we could consent to take any exception to the course pursued, it would be against the forbearance shewn by our Government, and its long submission to the repeated insults offered to our ministers sent to treat with Mexico for an amicable adjustment of all disputes between the two nations, a course which was dictated doubtless by feelings of humanity towards a vain and weak people. It is the privilege, and it is the duty of every citizen to oppose the commencement or declaration of a war which he believes to be unjust or unnecessary, for war is at all times an evil which should be avoided so long as forbearance is not the greater evil, but it is the duty of every citizen, whatever may be his opinion in regard to the necessity or justness of the war, to give to his government his support, whenever she voluntarily or by compulsion engages in such a contest; and I sincerely hope and believe that there is no citizen of Texas so lost to his own interest and duty, or whose mind is so deeply imbued with treason as to be opposed to the vigorous prosecution of this war, or to refuse to aid in the prosecution of any other, which his Government may think proper to enter into, whether it is waged in defence of his own individual rights, or in the protection of the

spinning jennies of abolitionists. It is sufficient for us now to know that our government is engaged in war with Mexico. In the result of this war, the people of Texas have and feel a deep interest, and it is our duty to give to our Government in this contest our utmost energies.

In complying with the various requisitions made upon the Executive of the State for troops, since the commencement of the war, much inconvenience has been experienced in providing for the men, and forwarding them to the place of rendezvous, no means having been placed at the command of the Executive by the Legislature to defray such expenses. Consequently the whole of that burthen has fallen on a few individuals, who have generously parted with their property for that purpose, but few of whom have been paid for the same. Such expenses should be shared equally by all. The General Government is liable to and will pay those charges, but it is impossible for her to pay them in the first instance. And as it is believed that the condition of our State Treasury is now such, as to enable us to pay the expenses which have been thus incurred, I would respectfully suggest, that an appropriation be made for that purpose, and hold the same as a claim against the General Government.

The Mexican nation being vain of its own strength and greatness, and ignorant of the capacity of the United States, will doubtless be disposed to continue the war for some time to come, and as other calls may be made upon our State for troops, I most earnestly urge upon you the necessity of placing ample means at the command of my successor, to enable him to forward to the place of rendezvous with promptness, such forces as may hereafter be called for from Texas to participate in the war, or to guard our frontier. Any advances made by the State for these purposes, will be refunded by the General Government.

About the close of the last or the beginning of the present year, I learned through the newspapers, that General Kearney, who was in chief command of the United States forces in Santa Fe, had there established a Territorial Government, within the limits of the State of Texas, and having learned through the same source, that some alarming demonstrations had been made in the Congress of the United States, soon after the commencement of the last session, which seemed to question the right of Texas to that Territory, and claim it as territory which

was conquered by, and belonged to the United States, exclusive of the rights and jurisdiction of Texas over the same, and having had no explanation of that act on the part of the General Government, nor any assurance of its ultimate design, I regarded it as the duty of the Executive of the State to assert in due time, our unquestionable right to the soil and jurisdiction over that country. I accordingly addressed a communication upon the subject to the President, through the Secretary of State of the United States, a copy of which, together with the answer thereto, is herewith laid before you for your information, by which it will be seen, that the President fully recognizes the claim of Texas to the Rio Grande, according to her limits, as declared by the act of the Congress of the Republic of Texas, passed in December, 1836. When Texas consented to enter the Union, it was fully understood by both contracting parties, that the Rio Grande, from its mouth to its source, formed the rightful boundary between Texas and Mexico, and Texas confidently expected that no other boundary would be consented to in any treaty between the United States and Mexico. We have every reason still to be satisfied, that we have conferred those rights in part to the keeping and management of the President and his constitutional advisers.

Since the organization of our State Government, our frontier settlements have greatly advanced, and are still rapidly advancing under the liberal and efficient protection given to them by the orders of the President. Companies are now stationed at all points where they are called for to protect our people against the thefts and hostilities of the various Indian Tribes. The General Government has found some inconvenience and embarrassment in the management of their Indian affairs in Texas in consequence of not owning or having full control over our public and unappropriated land upon which the Indians roam. This inconvenience and embarrassment must daily increase until the obstacles are removed. This consideration, together with the various other reasons urged in my message to the Legislature at the beginning of its last session, makes it my duty to call your attention again to the subject of the sale of our public lands. The sale of our unappropriated domain to the General Government will enable the State to pay her debt, and place it in the power of that government to give to the frontier of our State the most complete protection.

During the last year, a number of Indian Tribes, chiefly of

the Lipan Nation, came from Mexico, and located themselves on the Rio Grande and on the head waters of the Colorado river, within the limits of the State of Texas, and seemed to be disposed to remain in that region.

Several of the chiefs of those tribes visited the Executive of the State at Austin, in January last, when they were informed that the lands they occupied belonged to the State of Texas, and that they could not be permitted to remain permanently within the limits of the State. Leave was however given them to remain, provided they would conduct themselves properly, and make a crop of corn, during which time it was hoped that the General Government could dispose of them by removing them beyond the limits of the State. Soon after that interview was had with those Indians, I addressed to the Secretary of War of the United States a communication upon the subject of their removal, a copy of which, together with the reply thereto, is herewith laid before you.

Near the close of the last session, the Legislature passed an act authorizing and requiring the Governor of the State to appoint by and with the advice and consent of the Senate, one or more, not exceeding three persons, commissioners to select a proper place on which to erect a State Penitentiary, and making provisions for commencing the proper buildings, &c. That act having passed so short a time before the adjournment of the Legislature, and at a time when the Executive was much occupied with other public business, the provisions of the Act requiring the Executive to nominate those commissioners to the Senate was overlooked, consequently no steps could be taken during the recess of the Senate, towards carrying out the provisions of that law: indeed it is questionable whether sufficient time intervened between the passage of the law and the adjournment of the Legislature, to have enabled the Executive to make a judicious selection of commissioners under the law, if his attention had been especially directly to the subject. The delay thus caused is to be regretted, as such a prison is much needed in the State.

The Legislature having neglected at its last session to carry out the provisions of a law passed by that body requiring the Commissioner of the General Land Office to be elected by joint ballot of the Legislature, that office became vacant on the 22d day of December last. It is by no means clear, that the power to fill that vacancy is vested in the Executive of the State. As

the Executive of the State, I would never exercise a doubtful power, except in a case of great necessity, and would not even in such cases, could its exercise prejudice the rights of individuals. In the instance now considered, the whole business of every department of the Land Office was about to be suspended; hundreds and perhaps thousands of our citizens were anxiously wishing to obtain patents for their lands; the whole records and papers of that office, which contain so many of the proofs of the valuable rights of the people, were about to be left without a keeper. Moved by these considerations, I determined to exercise a doubtful power, and appoint a Commissioner until an election could be had by the Legislature to fill the place. I appointed Col. Thomas Wm. Ward, a gentleman who has for several years filled that office with great ability and fidelity. The rights of no individual can be prejudiced by having the business of that office regularly transacted, whilst the State and thousands of our citizens have been accommodated. Several thousand patents have been issued by the Commissioner since his last appointment, and inasmuch as his right to act under that appointment may be questioned, I respectfully suggest to the Legislature the propriety of passing a law legalizing all of his acts done under said appointment.

The records and papers of the General Land Office are now in most admirable order; but they are unsafe in the wooden building in which they are now deposited. Records and papers, so very valuable to our citizens, should be kept in the most secure manner. The building now occupied is uncomfortable, and ill constructed for transacting the business of the office. I therefore recommend that provision be made for erecting a house most secure and convenient for that department of the government.

Several suits have been commenced by individuals in the courts, the object of which, it is understood, is to procure a decision by the Supreme Court of the United States, establishing as legal and valid a large number of headright claims to land against the State of Texas, usually termed "fraudulent claims." It is probable that some of these suits will be taken to the Supreme Court of the United States before the next meeting of the Legislature of Texas; and in that event the State will have no counsel to represent her interest in that court. Our State

has vast interests involved in this question, and it is the duty of the agents of the people to protect them.

In order to discharge that duty it will be necessary to make suitable provision by law to employ able counsel. It is well known that thousands of these claims are in existence, and should they be established as binding upon the State, our most valuable public domain will be swept away by these frauds. If they can be legally defeated, it is the duty of the representatives of the people to see that it is done. Suits have been commenced in our State courts, in various parts of the State, to establish some of those claims, and it being all important to the State to have the proper issues fully and fairly made in the records, and it neither being the duty nor convenient in all cases for the Attorney General of the State to attend to them, the Executive regarded it as his duty to employ able counsel to assist the District Attornies in these cases. He therefore retained Volney E. Howard, Esq., a gentlemen well qualified for the task. And I now recommend that a suitable appropriation be made to enable the Executive of the State to have its interests ably defended in all such suits.

As the law stands at present, the election for Governor, Lieut. Governor, and members of the Legislature, takes place biennially on the first Monday in November,—the Legislature convenes on the second Monday of December next thereafter, and the votes for Governor and Lieutenant Governor must be counted, and the names of the persons elected declared by the Speaker of the House of Representatives, during the first week of the session. I think it will be found from experience, that the time allowed for making the returns of the electoral votes in such cases, is too short. It would, therefore, be well to change the time of holding these elections, or change the time of convening the Legislature.

The eleventh section of the fifth article of the Constitution of the State provides that in all cases, except in those of treason and impeachment, the Executive shall have power, after conviction, to grant reprieves and pardons; and, under such rules as the Legislature may prescribe, he shall have power to remit fines and forfeitures. The Legislature failed at its last session to prescribe the rules which are to govern the Executive in remitting fines and forfeitures. And as some cases have heretofore, and others may hereafter be presented which require the exercise of the power intended to be given

to the Executive by the latter part of said section, this subject requires legislative action.

I herewith lay before you the reports of the Secretary of State, Commissioner of the General Land Office, and the Adjutant General, each of which contains suggestions of alterations in the laws which have relation to the different departments from which they emanate. To each of these reports I call your attention.

I also transmit, with this communication, the annual reports of the Comptroller and Treasurer of the State, made to the Executive according to the requisitions of the law, which show the financial condition of the State. Each of these reports contain important suggestions. It is especially important to notice the suggestions contained at length in the report of the Comptroller, to which I call the earnest attention of the Legislature.

A practice of interchanging laws, decisions of the supreme courts, and other public documents, has grown up amongst the States of the Union which is mutually beneficial. Under it an easy and cheap means of obtaining the laws and decisions of the courts of the sister States is established, which will enable our judges and other public officers to acquaint themselves with the laws and decisions of the courts of the other States. Most of the States have regularly under this custom transmitted to the Executive of Texas for the use of the State, since its organization, their laws, the reports of their courts and other valuable public documents. The Executive has, in return, only been able to furnish to each of the States a copy of the acts of our last Legislature, no provision having heretofore been made by law for the purpose. I therefore solicit the attention of the Legislature to this subject.

Courtesy towards a sister State requires that I should lay before you for your consideration the accompanying Joint Resolution passed by the General Assembly of the State of Missouri upon the subject of the regular army of the United States.

Before closing this communication, I must call the attention of the Legislature to a subject which is deeply interesting to the people of Texas, and to all of the slave holding States of the Union. Is it not a little strange that whilst some communities in the northern parts of the Union are constantly and violently denouncing the war with Mexico as unnecessary, unjust, un-

holy and immoral,—assailing and denouncing the Executive of the Union for prosecuting the war, and invoking the bitterest misfortunes upon all who favor or engage in it: they are the first who have raised a dispute in regard to the disposition which shall be made of the territory which they anticipate will be conquered and retained by our Government, and that they should claim the right of appropriating such territory to their own exclusive use? It would seem to be more consistent with their expressed feeling of holy horror at this war, if they should declare that they will never pollute themselves by placing their feet upon soil thus acquired, nor pocket one dollar of its proceeds. Yet those people are making every effort to deny to the citizens of the South any share in the benefits and privileges which may result from the acquisition of territory by the war with Mexico. They do not say in so many words that we shall be excluded from sharing in the benefits resulting from such conquest, yet such would be the consequence which would result from their doctrines. Adopt their views, and no citizen of the South who is a slaveholder, would be permitted to emigrate to any part of such acquired territory, without parting with that portion of his property which we generally regard as most valuable.

As an evidence (comparatively slight) of what is being done and said in portions of the North upon this subject, I now lay before you copies of resolutions passed by the Legislature of the States of Rhode Island and Vermont and recently forwarded to the Executive of Texas. It is proper too that they should be accompanied by a copy of resolutions passed in March last by the Legislature of the State of Virginia which I likewise lay before you, and to which I ask your most favorable consideration. What right has Congress to pass a law which is to be unchangeable, and perpetually to govern and control the domestic rights and regulate the internal policy of any state? What right has the people of one portion of the States to pass laws regulating and controlling the rights of the citizens of another State, where those who make such laws have no rights as citizens? The South does not ask the Congress of the U. S. to interfere directly or indirectly, through legislation or otherwise, either to establish or abolish slavery in any territory. All that we ask is that the Republican principle of self-Government shall not be abridged or trampled upon, that the people of each territory and State shall be left to pass laws suitable to their own

taste and happiness, restrained so far as only they have expressly parted with their political powers by the Constitution of the United States. According to that constitution the people of every territory belonging to the United States have the right to be admitted into the Union as a State, whenever they have a sufficient population, and present to Congress a Republican form of State Government. No other question can be legitimately made when the people of any territory claim admission into the Union as a State. I presume that the people of Texas are satisfied to submit the question of the *acquisition* of Territory to the decision of the President and his constitutional advisers, but when it is acquired, they claim to be joint owners with the other States; they claim no exclusive privilege in such territory and should submit to no such claim.

The people of Texas cannot be justly accused of being wanting in attachment to the Union. They have shown their attachment and devotion to it by voluntarily entering it.

The South has not sought nor did they wish this dispute.—It is the result of an unjust disposition on the part of some of the Northern States, to intermeddle with the rights and institutions of the South. Those Northern people are the aggressors, and it is our duty to join with the other States of the South, in resisting their efforts with manly firmness. When has any portion of the South presumed to dictate a change in any policy of any Northern State, or meddle with their laws or institutions? If our Legislators commit political errors, they are only responsible to their constituents—if we sin by adopting any policy or law, we are responsible for the sin to God alone. The people of the North are neither our guardians, confessors, nor our conscience keepers.

In concluding upon this subject, I will repeat that the South has not sought or commenced this contest; but if the North will force it upon us, we will meet it with hearts prepared for its very worst dangers, confiding in the justness of our cause, and our ability to maintain our rights.

J. PINCKNEY HENDERSON.

December 15th, 1847.

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The Speaker then announced that the two Houses had met

for the purpose of electing a Senator to the Congress of the United States of America.

Mr. Lott nominated Gen. Sam Houston for Senator to the Congress of the United States. There being no other nomination the House proceeded to vote *viva voce*.

For Mr. Houston.—Messrs. Speaker, Allen, Anderson, Armstrong, Bogart, Bourland, Bryan, Burroughs, Caruthers, Crump, Davis of L., Davis of R., Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Irion, Keenan, Lott, Lyons, McNeil, McCown, Miller of H., Miller of C., Milican, Moseley, Pease, Perry, Potter, Rayner, Rains, Railey, Reagan, Renfro, Robertson, Rogers, Runnels, Sadler, Shannon, Shaw, Stuart, Sterne, Stout, Stoddard, Taylor, Truitt, Walling, Wheeler, Winkler, Willie, Wren, Wilder and White—54.

For Mr. Webb, Mr. Crutcher.

For Mr. Pilsbury, Mr. Cunningham.

For Mr. J. P. Henderson, Mr. Hardiman.

For Mr. Navarro, Messrs. Haynie and Neal.

For Gen. Burleson, Mr. Lamar.

For Mr. John C. Hays, Mr. Webb.

Mr. Houston having received a majority of all the votes, was declared duly elected Senator to the Congress of the United States for the next six years.

The Senate returned to their chamber.

Mr. Lott introduced a resolution authorizing his Excellency the Governor, to employ an express man to inform the Hon. Sam Houston of his election.

Read first time.

On motion of Mr. Burroughs, the rule was suspended.

Read second time.

Mr. Lott moved a further suspension of the rule.

Carried.

Read third time and passed.

On motion of Mr. Crutcher, the House adjourned to to-morrow morning, 9 o'clock.

House of Representatives.
City of Austin, Dec. 16, 1847.

The House met pursuant to adjournment,

The roll was called,

And the following members answered to their names :

Messrs, Speaker, Allen, Anderson, Bogart, Bourland, Bryan, Burroughs, Caruthers, Crump, Crutcher, Curningham, Davis of L., Davis of R., Epperson, Gilliam, Goode, Hardiman, Haynie, Irion, Keenan, Lott, Lyons, McNeill, McCown, Miller of H., Milican, Moseley, Pease, Perry, Rayner, Rains, Reagan, Renfro, Robertson, Rogers, Runnels, Sadler, Shannon, Shaw, Sterne, Stout, Stoddard, Taylor, Truitt, Walling, Webb, Winkler, Wren, Wilder and White.

A quorum present.

The Journal of the preceeding day was read and adopted.

On motion of Mr. Webb, Mr. Dooley, of Bexar county, came forward, and took the oath and his seat.

Mr. Bryan, chairman of the committee on Engrossed Bills, reported that they had examined a joint resolution authorizing His Excellency, the Governor, to employ an expressman, to inform the Hon. Sam Houston of his election, and find the same correctly engrossed.

Read and adopted.

Mr. Sterne presented the petition of N. Wade, which he moved be referred to a select committee, without reading.

Lost.

Mr. Lott moved to refer the petition to the Judiciary committee.

Lost.

Mr. Lyons moved that the petition lie on the table until the fourth day of July next.

Mr. Anderson moved that the petition lie on the table, and come up among the orders of the day.

Carried.

Mr. Anderson presented a petition from the citizens of Gonzales and adjoining counties.

Read, and referred to the committee on County Boundaries.

Mr. Runnels presented the petition of sundry citizens of the county of Cass, praying relief for Carter Cannon.

Read, and referred to the committee on Finance.

Mr. Miller, of H., introduced the following resolution :

Resolved, That the Hon. the Speaker appoint a committee of three, to act with a like committee to be appointed by the Senate, whose duty it shall be to visit the several Departments, and count all the returns for Governor and Lieutenant Governor, and ascertain what counties have, and what counties have not made returns, and report the result as soon as practicable.

Read first time.

A communication from the Hon. Secretary of State was received and read.

Mr. Miller, of H., moved to take up the resolution requiring a committee to be appointed to search for election returns in the various Departments.

Lost.

Mr. Bourland introduced the following resolution :

Resolved, by the House of Representatives, That, with the concurrence of the Senate, the two houses of the Legislature will meet on to-morrow morning, at 10 o'clock, for the purpose of counting the votes in the returns for Governor and Lieutenant Governor for the State of Texas.

Read, and laid on the table one day for consideration.

Mr. Willie introduced the following resolutions :

Resolved, That copies of the message of his Excellency, the Governor, be printed for the use of the House.

Resolved, further, That so much of the message as relates to the sale of the Public Lands of Texas, be referred to the committee on Public Lands. So much thereof as refers to the jurisdiction of the State over the territory of Santa Fe, be referred to the committee on State Affairs. So much as relates to the payment of Claims for supplies furnished the troops of Texas, called out by order of the General Government, be

referred to the committee on Military Affairs. So much thereof as refers to the resolutions passed by the different States of the Union, relative to the disposition of territory acquired by the Government of the United States, be referred to the committee on Federal Relations. So much as relates to the Land Office, together with the report of the commissioner of the General Land Office, be referred to the committee on the Land Office. So much thereof as relates to fraudulent land certificates, be referred to the committee on the Judiciary. So much thereof as relates to the Penitentiary, be referred to the committee on the Penitentiary. That the report of the Comptroller be referred to the committee on Finance. The report of the Adjutant General, be referred to the committee on Military Affairs.

Mr. Willie moved that the resolutions, together with the Governor's message, be referred to the committee on Printing.

Mr. Bourland moved a division of the question.

Carried.

Mr. Willie withdrew his motion to refer.

Mr. Robertson moved to fill the blank in the first resolution, with "1,000."

Carried.

Question—on the adoption of the resolution.

Mr. Haynie moved to amend, by inserting the words—"in pamphlet form."

Carried.

Mr. Lott moved to amend by inserting the words—"the committee on Printing be instructed to contract."

Mr. Cunningham moved to take up and read the accompanying documents of the Governor's message.

Carried.

The following Report of the Treasurer was taken up and read:

Treasurer's Office,
Austin, December 1st, 1847.

To His Excellency,

J. PINCKNEY HENDERSON,
Governor, &c.:

Sir :—In obedience to the act defining the duties of the State

Treasurer, I herewith transmit to your Excellency a statement of the condition and situation of the Treasury, embracing the receipts and disbursements thereof, for the fiscal year ending October 31st, 1847, and the balance of cash remaining in the Treasury at that date.

You will also find accompanying this, a condensed statement of the business of this office from the organization of the State Government, to the close of the last fiscal year, showing the entire receipts and payments for that time, and the balance of the money in the Treasurer's hands.

It will be seen from the Statements, that the cash on hand for disbursement, is *Fifty-one thousand two hundred and thirty-eight* 07|100 dollars, (\$51,238 07.) From this should be deducted the sum of two thousand six hundred and four dollars, (\$2,604)—being the amount of certain drafts in the Treasury, drawn by the Secretary of the Treasury, upon the Collectors of Revenue, in favor of members of the Convention, for their services therein, and received by the Treasurer from the Collectors, as *cash*.

The appropriation for the expenses of the Convention was considered as closed by the change of Government—at least so much so that the officers of the State Government could not draw upon it, without the authority of the Legislature.

These drafts have been, mostly, received, since the adjournment of the Legislature; and remain in the Treasury as *cash*, for want of an appropriation to which they might be charged. I would suggest to the Legislature, through your Excellency, that the old appropriation should be opened to cover the foregoing amount named, as well as other claims of the same nature, that are still outstanding. These claims have already been paid; and the opening of the appropriation will merely give the accounting officers of the Government the authority necessary to make a proper settlement.

In my report made to your Excellency for the previous year, I mentioned a receipt of G. W. Terrell's, for the sum of *six hundred and sixty-six* 67 | 100 (\$666 67) in Exchequer Bills, which still remains in the Treasury as *cash*, for want of authority in the Comptroller and Treasurer to settle the same. I would, therefore, respectfully suggest that the Legislature pass an act authorizing the settlement of that amount for the services of Mr. Terrell, as a District Judge, under the late Republic of Texas.

This, like the Convention drafts, is money that has already

been paid out, and the settlement of the claim will require no further expenditure; but only pass the voucher from the Treasurer's hands into that of the Comptroller, where it properly belongs.

Respectfully submitting these exhibits to your consideration,

I am, with high respect,

Your Excellency's obedient servant,

JAS. H. RAYMOND,

Treasurer.

*State of Texas in Account with JAMES H. RAYMOND, Treasurer,
from February 20, 1846, to October 31, 1847.*

DR.

For amount of disbursement upon Treasury Warrants as per
Register of Warrants paid, viz:

In specie, on warrants of late Republic,	15,643 29	
" Exchequers, warrants of late Republic,	510, 36	16,153 65
" Specie disbursed upon Warrants of State,		112,033 98 128,187 63
For amount of Prom. Notes on special deposit, credit of the estate of Daniel Veuer, deceased, paid to A. Sommerville, upon a judgment of Harris Co. Probate Court, against said estate,		722 44
" Amount of county Tax Fund in Exchequers, paid upon orders of the Secre- tary of the Treasury and Comptroller to Sheriffs of sundry counties, as per vouchers of office,		64 48
" Amount of Government liabilities received from revenue and from Moses Johnson, late Treasurer.		

of the Republic, delivered
to the Comptroller as
vouchers, and for burning,
as follows, viz.:

In Exchequer Bills,	12,489 67	
" Bryan drafts,	5,264 92	
" Special audited paper,	8,136 37	
" Assessor's drafts,	3,333 84	
" Audited paper,	13,372 16	
" Navy scrip,	3,300 00	
" Prom. Notes, Bonds and Interest.	62,101 47	107,998 03
For amount of balance of cash on hand—		
In specie of revenue of Re- public for disbursement,	16,872 91	
" Specie of revenue of State,	34,365 16	
" do " do " School- Fund,	5,885 63	
" Specie County tax fund of State,	1,656 95	
" Specie do do late Republic,	48 71	
" Specie special deposit of estates,	162 30	58,991 66
" Exchequer bills of coun- ty tax fund of late Re- public		287 88
" Exchequer Bills, receipt of G. W. Terrell,		666 67
" Prom. Notes of special deposits of estates,	1,025 21	
Dollars,		297 944 00

CR.

By amount received of Moses Johnson, late Treasurer of the Republic, as follows, to wit.:

In specie,	19,297 84
" Exchequer Bills,	2,953 13
" Promissory Notes,	1,040 61
" Special audited paper,	1,326 07
" Assessor's drafts,	433 38
" Old audited Paper,	860 00
" Special deposits,	1,667 67
" Bryan drafts,	4,850 00
" G. W. Terrell's receipt,	666 67
" County tax fund,	351 96
	33,447 33

By amount of specie and Government liabilities received in collection of the revenue of the late Republic, as follows, viz:

In specie on account of customs	51,266 13	
" Specie " " taxes,	18,314 85	
" do " " licenses,	7,631 14	
" do " " rent on Austin property,	8 00	
" Specie on account of Appr. for carrying mail, 1845 and 1846,	2,524 46	
" Specie on account of claims against the U. S. Government,	26,902 00	106,646 58
" Exchequer Bills on account of customs,	4,899 12	
" Exchequer Bills on account of taxes	4,203 52	
" Exchequer Bills on account of licences,	944 26	10,046 90
" Prom. Notes, Bonds, and interest, on account		

of Customs,	3,543 48		
" Prom. Notes, Bonds, and interest on account of taxes,	9,391 83		
" Prom. Notes and inte- rest on account of licen- ses,	648 00		
" Prom. Notes and inte- rest of Land Patents,	37,404 00		
" Prom. Notes on account of Land Dues,	7,754 55		
" Prom. Notes and inte- rest on account of Austin Lots,	2,319 00	61,060 86	
" Audited paper and Na- vy scrip on account of taxes,	815 14		
" Audited paper and Na- vy scrip, on account of Land Dues,	6,434 06		
" Audited Navy Scrip, on account of Austin Lots,	8,562 96	15,812 16	
" Special audited paper on account of taxes,		6,810 30	
" Assessors' drafts on ac- count of taxes,		2,900 46	
" Bryan's drafts on act. of customs,		4,414 92	203,692 18
Amount of specie received on account of taxes of late Republic,			48 71
Amount of specie received on account of special de- posits of estates,			162 30
Amount of specie received on act. of licenses and taxes in collection of rev- enue of the State,		58,710 96	
Amount of specie received on account of rent of Public Buildings,		145 59	58,856 55
Amount of specie received			

on act. of county taxes of State,	1,656, 95
Amount of special deposits of Prom. Notes, received from estates,	79 98
Dollars,	297,944 00

JAMES H. RAYMOND,
Treasurer.

TREASURER'S OFFICE,
Austin, November 1st, 1847.

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The following report of the Comptroller was taken up, and
read in part, and,
On motion of Mr. Haynie,
The further reading was dispensed with.

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COMPTROLLER'S REPORT.

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COMPTROLLER'S OFFICE, {
Austin, Dec. 3d, 1847. }

To His Excellency,
J. PINCKNEY HENDERSON,
Governor of Texas.

SIR:—In conformity with an Act defining the duties of the
Comptroller of Public Accounts, I respectfully submit the fol-
lowing report. The receipts and expenditures of the State in
available means, are shown from its organization, the 19th of
Feb., 1846, to the 31st Oct., 1847. and are as follows:

RECEIPTS,

From revenue accrued under the Republic of Texas.

Duties on Imports,	\$51,206 13
Direct Taxes, ...	18,282 92
License Taxes, ...	7,631 14
Claims against the Government of the United States,	26,902 00
Miscellaneous sources, ...	2,673 43
Means in the Treasury at the close of the late Government,	19,297 51

Total revenue and means in specie from late Government, ...	\$125,993 13
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From revenue accrued under the State.

Direct and License Taxes, ...	\$58,653 67
Miscellaneous sources, ...	202 88
Amount of Special Deposit from settlement of successions, ...	162 30

59,018 85

Aggregate Revenue and means from Republic and State, ...	\$185,011 98
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EXPENDITURES.

Disbursements of the Treasurer on account of the expenditures of State.	\$112,033 98
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Disbursements of the Treasurer in payment of Treasury Warrants of the late Republic of Texas, which were outstanding at the organization of the State, ...	15,643 29
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Amount reserved for School pur- poses, being 10 per cent. of the Revenue of the State, ...	5,885 65
--	----------

Amount of County Tax to be with- drawn which is included in the	
--	--

receipts of direct Taxes from Republic,	48 71	
Amount on Special Deposit from the settlement of successions, subject to be withdrawn,	162 30	
		133,773 93
Leaving a balance in the Treasury of available means on 31st. Oct. 1847, of		\$51,238 05
Which will more fully appear by reference to an accompanying statement.		

The estimate of Receipts and Expenditures for the fiscal year ending on 31st Oct., 1848, are as follows:

RECEIPTS

From Direct and License Taxes, and Miscellaneous Sources, for the year 1847, not due until 1848:

State revenue,	\$91,145 10
Balance due from the same sources on account of the revenue of the State for the year 1846,	21,854 86
From Customs, Direct and License Taxes, accrued under the laws of the late Republic of Texas,	7,000 00

Probable amount of Receipts,	119,999 96
Means in the Treasury for disbursement on the 31st Oct., 1847,	51,238 05
Total estimated means for the support of the State, for the year ending Oct. 31st, 1848.	\$171,238 01

EXPENDITURES.

Which will more fully appear by reference to an accompanying statement.

Estimated expenditures of the State for the year ending on 31st Oct., 1848, ...	106,122 00	
Balance due and undrawn on the appropriation for the support of the State for 1846, ...	7,000 00	
Balance due and undrawn on the appropriations for the support of the State for 1847, ...	14,500 00	
Amount necessary to be appropriated to satisfy certain drafts, which were drawn by the late Government, on collectors and returned by them as cash, and so included in the cash receipts in this statement, which drafts were issued in payment of members of the Convention, based on the appropriation for that purpose, but not returned to the Treasury until after it was cancelled: Also, an amount received by the State from the Government of the United States for the pay of arms taken from a body of Texians in 1843 under the command of Col. Snively, by an officer of the United States Army, the former \$2,604-00, the latter \$1,975,00	4,579 00	
		132,201 00
Leaving in the Treasury on the 31st Oct, 1840, an estimated balance of		\$39,037 01

Which will more fully appear by reference to an accompanying statement.

Supposing the Revenue due, to be all collected and paid over, there will be a balance in the Treasury of available means on the 31st of Oct., 1848, of \$39,037 01. The principal source from which this surplus arises, is attributable to the amounts received from revenue accrued under the laws of

the Republic of Texas. Had the State been compelled to have relied entirely on its own receipts, a very different state of things would appear, for instead of the shown surplus, the State expenses would have far exceeded the income.

Since the organization of the State Government to the 31st Oct. last, the actual cash receipts from State revenue, has only been (exclusive of the reservation for school purposes) \$52,970 90, while the expenses during the same period amounts to \$112,033 98, leaving a balance against the cash receipts of \$59,063 08; but allowing all the State Taxes which have been assessed and became due on the 31st October last, to have been received at the Treasury, still the expenditures would have overrun the receipts \$31,525 45. Take the estimate of the taxes for the present year (1847) and add them with those of the former year (1846) and compare them with the expenses which they have to meet, and what will be the result? The State expenses from the 19th February, 1846, to the 31st October, 1848, according to the preceding estimate, amounts to \$239,655 98, and the income for the same time is \$171,653 63, leaving the latter insufficient \$68,002 35 of discharging the former.

It may be said in this calculation that no allowance has been made for the revenue of 1848; but it must be remembered that the revenue of one year is not due at the Treasury until the January of the following year, consequently it cannot be calculated upon to discharge demands for the year for which it is levied; but let the expenses of the State from its organization, the 19th February, 1846, to the 31st October, 1847, being a little over one year and eight months, be compared with the income from the State revenues for the whole of the two years, 1846 and 1847, and see what the result will be.—The expenses are \$133,533 00; and the estimated receipts for both years, allowing them to have been all paid over, would be \$171,653 63, leaving a balance in favor of the income for the entire two years of \$38,120 63 over the expenditure of but one year and two thirds.

So it will be seen, that under the most favorable view which can be taken of it, the revenue of the State has not been more than sufficient to have discharged the demands to the 31st October last.

As it has so happened, ~~the~~ receipts from revenue of the lat Government have not only been adequate to discharge the ex

penditures of the State to that time, but has also satisfied \$13,959 15 of demands of the late Republic which were outstanding at the change of Government.

I have thought it necessary to make the preceding explanation to show from what source the present surplus in the Treasury is attributable. A cursory glance at its present condition would lead one to believe that the State income far exceeds the expenses, without examining the cause which led to the excess.

With the present means in the Treasury, and the growing increase in value and quantity of the taxable property, the receipts from the present rate of taxation will be adequate to the wants of the Treasury, but a reduction of them at this time would, it is believed, be unsafe and premature.

A considerable amount of revenue is still expected from Customs levied under the laws of the late Government, the principal part of which, however, accrued between the 28th December, 1845, the date of the approval of the Act of the Congress of the United States extending the laws of that country over Texas, and the 16th of February following, when the Government of the State organized, during which period the right of Texas to collect Impost duties particularly on shipments from the United States has been denied by the Importers. The question has been brought before our State Courts, and determined by them favorably to the Government, but I understand that a writ of error has been issued, to carry the cases to the Supreme Court of the United States, in which event, and even admitting the judgment of our Courts to be confirmed, it will be some time before the amounts involved will be available to the State. I have therefore under the circumstances thought it of a character not sufficiently reliable to use as data in the preceding estimate.

While on this subject, I would remark that the amount involved in the cases now in court is, of itself, comparatively speaking, unimportant. Large sums have been paid into the Treasury under protest for duties upon merchandize, imported under similar circumstances; and should the question as to Texas possessing the right to collect Imposts, during the time referred to, be decided in the negative, reclamation will be made on the State for such sums already paid in. I would therefore suggest, that provision be made for the employment of competent counsel, to conduct and argue the cases now in

controversy, in the event of their being carried to the Federal Court.

In the operation of our present revenue system, some objections are found to exist; among the principal ones, I would call your attention to the following:

By the present laws of taxation, every person owning lands in one county and residing in another, is permitted to render them for assessment in the county where he lives, and each Assessor and Collector is required to make a separate return of such assessments, and another by his own appraisement of all lands in his county, which he finds from the records to be private property; but which has not been rendered to him for assessment. It is the Comptroller's duty to compare all of the returns of each of those classes with the other, in order to ascertain what lands designated in the latter are covered by the rendering shown in the former, and to advise each Assessor and Collector as to what tracts in the county of such officer, are not so covered, in order that he may proceed against him. This plan must in many cases, fail to afford the intended accommodation to the proprietor, while it imposes on the Comptroller greater inconvenience than that from which it seeks to relieve the person intrusted, involving at the same time a delay of income, if not an eventual loss to the Government. Even were all the lands of the State so methodically sectionized, that every tract could always be designated in the same manner, and with equal clearness, by the distant owner and the local Assessor, the regulation would still not be free from objection. As it is, however, owing to imperfection of records; the lack of specification in conveyances and the original defect of regularity in the land system of the country, the distant proprietor and the local assessor are often alike, unable to make out a proper designation, or such as will allow the identity of their two descriptions of the same tract to be recognized. The name of the original grantee may be unknown to one, or both, and the distant owner may be ignorant of its locality, or its bearings, as to contiguity for his description to tally with that of the assessor.

In such cases the result must be, that after much loss of time and labor, in the comparison of returns, the Comptroller is unable to ascertain, that any one assessment is covered by the other; and though the owner may duly pay his tax in the county which he resides, his land is liable to be sold for the

same demand in the county where it lies. It may even happen from vagueness of description, that in covering one assessment with the other, two tracts may be discovered in the list taken from the County Records, which are not entirely identical, but resembling each other to some extent, either of which, could be applied to one tract in the rendered rolls; thus, the application of the latter may be made to the wrong tract in the former, by this error, releasing the land of a person who has paid nothing and leaving the property of the payer to be sold for a demand that has been satisfied. Whenever a sale is made under these circumstances, not only is the owner injured, but the purchaser is imposed on, and the final redress of both, subjects the State to a heavy and needless expense.

The comparison of the two classes of assessments before referred to, cannot be made with completeness, until the returns from all the counties have been made, but of so large a number as sixty seven, the delay of some is to be expected, and the failure of sending one, would impede the comparison of all, and consequently retard the taking of steps against any land returned as unrendered. Allowing all the returns to be duly sent, and the comparison and requisite deduction to be made without difficulty or confusion, the process which the Government then has to rely on, involves delay in collection. When two assessments from different counties and of the two aforesaid classes are found by the Comptroller to be identical, it is evidently the intention of the law, that the rendering of the distant owner shall annul the record assessment of the local Assessor. The right of giving in property elsewhere than where it lies, necessarily implies this, as it would otherwise yield a fruitless privilege. The Comptroller has then to notify the Assessor of the County where the land lies, that so much of his Record Assessment has been annulled by the rendered showings from other counties.

The Collector of the county where the proprietor resides has, then, first to look to an owner near him for taxes on land at a distance, which is, perhaps, the only property he has out of which they can be realized. If the owner refuses or fails to pay, the Collector has then to report the delinquency to the officer of the county where the land lies, that he may proceed against it. The delay, details and contingencies, that a course so circuitous involves, and which might be avoided to a great extent by a different system, must at once be obvious.

Land owned by non-residents of a county is liable to two assessments, and consequently the expense of two commissions. The owner in the county of his residence, gives it in at his own appraisal, and it is assessed from the Records where it lies at the appraisal of the officer. The owner's appraisal regulates the amount of the tax, and the appraisal of the local Assessor regulates the amount of an extra and needless expense, and it will rarely be found that from interests so conflicting, the two appraisements will be equal. There is still an additional expense under the present system which the government is subject to : that of publishing the non-resident lists from each county, and from present appearances, a sufficient amount will not be collected from this description of assessments to discharge one-half of the expense to be thus incurred. All this injury to the government might, to a great extent, be obviated, without either subjecting the tax-payer to any other inconvenience than he is now at, or the Assessor to any great additional labor. The distant owner who might not choose to employ a local agent to give in his property to an Assessor of the county where it lies, might be permitted as he now is, to render it to the Assessor of any other county, within a specified time, making it the duty of the officer to whom it may be rendered to notify the Assessor of the county where the land is situated, and each of the Assessors on receiving such notice should proceed to compare such returns, and those of the property that had been rendered in their county, with the county records ; and all private property not covered by the rendered inventories, should be assessed and returned by the officer at his own valuation.

Such a plan, under proper regulations, is not only in my opinion entirely practicable, but the only one compatible with the interest of the State, by which the convenience of the owners of property can be consulted. It would save much vexatious and unprofitable labor, and avoid the many errors which the present system is heir to.

The Assessor who makes his examination from the County Records, can correctly arrive at what property has not been taxed in his county, even if the rendering by the distant owner was not entirely full ; for if the county files and rendered showing disagree in one particular, it is not probable they would in all, and by a careful comparison, an error would seldom occur ; but under the present system, the Comptroller who makes

his comparison and examination, has no other data but the returns of the Assessors, which are usually very meagre as to description and locality of lands, so much so, that in many assessments not even the name of the original grantee is set forth; and no matter how carefully the comparison be made from such data, it is impossible to avoid committing occasional errors.

I would also recommend that the old counties, as they were at the adoption of the Constitution, be laid off and organized into tax districts. By doing so, it would enable the Assessors more easily and more correctly to ascertain what lands are in their districts, that have not been rendered for taxation. Many of the new counties organized at the last session of the Legislature, are composed and formed from as many, in some instances, as four of the old counties. It follows, therefore, that in establishing what lands have not been covered by the rendered inventories, the Assessor must have recourse to each of the District Surveyor's files, from which his county is comprised. This imposes upon the officers a greater labor than they are willing to perform for the compensation allowed them, and the result is, that many of them omit to fulfil this part of their duty, and the unrendered estate to some extent is permitted to go untaxed.

But even admitting that the officer examines the Surveyor's files with the utmost care and ability, still the present system is not void of objection. In many cases the boundaries of the lately organized counties were so indefinite in the first instance, and the lines not having been distinctly marked or run, that the Assessors have been unable to arrive with any degree of certainty at the exact sphere to which their authority extended. In those counties where this is the case, the Assessors have omitted to make an assessment at their own valuation of the unrendered property, as it might ultimately cause litigation between individuals; for, should there be a sale of property upon such an assessment, for the payment of taxes, and it afterwards appeared that the same property had been rendered for taxation by the owner, as lying in another county, and the demand there duly paid, the result would be a contention between the purchaser and the original owner, the occurrence of which should always be guarded against by the Government; nor is the existence of this cause likely to cease, for as the population of the country increases, the territorial limits of the counties will be changed to meet public convenience.

The proposed system would not only enable the Assesor more easily to ascertain the unrendered lands, but it would lessen and simplify their duties ; for, instead of having to refer to the maps and other records, as is now the case in some instances of three or four counties, they would have it to do in one only.

The present laws are inadequate to insure a uniform collection of the license taxes. Individuals pursuing certain callings and vocations, without first procuring a license, subjects the offender to a penalty, recoverable by suit in the District Court ; thus the permanent merchant whose interest should be protected, is compelled to pay, while the temporary vender of a small stock can evade the tax by disposing of his goods and leave the county before the law can be brought to affect him. To render this tax just and equal upon all and make its collection prompt and sure, a justice of the peace should be authorized to grant a warrant upon proper representation, directing the seizure of the goods and chattels of any one found pursuing a calling, which by law is taxable, without first having obtained a license therefor, and sufficient of such effects should be sold to satisfy the tax and expense of process.

Although common consent recognizes the necessity of a tax equal in its bearings, for the support of the government, nevertheless, it is reluctantly paid by the mass ; hence the necessity of rigorous laws to enforce its collection. Stronger enactments than do now exist are required, both to enforce the payment of taxes by the citizen to the officer, and by the officer to the government. It is unjust that the law abiding citizen and the faithful officer should be taxed, not only with the burthen of the State, but with the obloquy of the association of their names with the dishonest and unpatriotic, who are permitted by the defects of our laws to evade the payment towards the public burthen of their fair proportion.

The present laws do not provide how taxes are to be realized on the property of a delinquent tax-payer, when it is exposed for sale and cannot be sold for want of bidders. I would recommend that all lands offered for the payment of the taxes of delinquent and for which no purchaser can be found, be stricken off to the Government, and unless the same is redeemed within twelve months, from the date of sale, such land shall become domain, and be subject to entry by any holder of a legal warrant, on paying the taxes for which the same was sold ;

a provision of this kind would stimulate many to pay, who otherwise would not.

The non-resident assessment for the year 1846, which by law was required to be published, has been accordingly done, so far as the returns have been received for that year, in a newspaper, styled the "Texas Democrat," published at the seat of Government. As no appropriation was made for the payment of this expense, a contract was entered into with the proprietors of the aforesaid journal, to publish at ten dollars each the returns from the several counties, with the understanding that they were to rely on the future action of the Legislature for the payment of the amount. As the work has been faithfully performed, I would respectfully recommend that an appropriation be made for the payment of the claim. Those lists for the year 1847 have not been published, as I was unwilling to incur an additional claim for the payment of which no appropriation had been made, and not knowing but that the Legislature might dispense with the publication as apparently but little good has resulted from it, and with all the impracticability of the requirements of the law being complied with. The publication of each year's assessment is to be made between the months of September and January of the same, which is impossible to be done from the great length of many of the returns, in a weekly journal during that time. If it is thought that they should yet be gazetted, I would suggest that the necessary means be appropriated for that purpose.

Considerable difficulty exists in the collection of arrearages of taxes due on the assessments made under the late Government. The Sheriffs who were then ex-officio tax collectors, are still held responsible for the whole of each year's assessment, for which they have given bond. Although the law made it obligatory on the officers to collect the taxes within a specified time; still, in many of the counties, it has not been done,—his bond is still considered liable for the year's taxes for which the same was executed, nevertheless it would be a hardship to move on it for the payment of money which had never been received. Of those individuals who held the office of Sheriff under the late Government, but few of them hold it under the present Government, and their right to collect the residue of the assessment is not acknowledged by the tax payer. And where it has been the case, that the same person has been re-elected, it occurs in many instances, that their present juris-

diction does not extend over the same extent of territory that it formerly did, caused by the formation of new counties, and allowing that by virtue of the present holding, the officer's authority to collect, still exists in that portion of the old county for which he is re-elected, it is in the transferred part of it denied.

I would respectfully suggest that either proper authority be conferred on those who have been charged with the taxes and have given bond for the same, to complete and finish their collection, or else transfer the duty to the present Assessor and Collector.

In making the preceding recommendations, I am fully aware that a system, though somewhat imperfect, when properly understood, is better than a constant changing of it, with a view to its improvement, and nothing but a radical wrong should ever cause an alteration. In such a light I view the objections which I have stated in our tax system; others might be urged, but of less import, but as they can be borne with, I have abstained from referring to them.

I would respectfully recommend the passage of a law authorizing the appointment of a travelling agent, whose duty it should be, to visit the different counties and receive the funds in the hands of the Collectors, make settlements, &c. It is thought that the appointment of an officer of this character would be of the utmost benefit. Men of the most correct intentions are liable, if public funds are permitted to remain too long in their hands, to use them in their individual transactions, thinking, that by the time they may be called on by the State, to be able to replace them. This, I am convinced, has been the case in many instances, and accounts to some extent, for the many defalcations with our revenue officers.

It is of frequent occurrence, that after the most explicit instructions have been given, that returns have been made by the Assessors, differing altogether in form from that required. This may, or may not, be the result of carelessness in the officer. Nor is it surprising, that such should be the case, when it is remembered that individuals are frequently elected assessors, without possessing the necessary qualifications, and who are entirely unacquainted with figures. From my own observation, I am convinced, that nothing could be done which would have a more favorable tendency towards the remedy of this, and promoting uniformity and system, as a competent per-

son visiting the Assessors, and explaining to them in person the manner and form of stating and preparing their rolls and other papers. It would accomplish more than a volume of written instructions in this respect, and contribute greatly to the increase of the revenue, by promoting a more general and uniform assessment of property. There is also another reason for the appointing of such an officer. The compensation of many of the Assessors, particularly those of the counties situated in a remote portion of the State, is so small, that it would not more than defray the expenses of their journey to the seat of government, and it is seldom that they can secure a person they consider safe, who is willing to take charge of the funds they may have to remit. Although it is obviously the duty of the Collector to forward his collections at his own risk and expense, still it is not done; and the reasons assigned for it are those above stated, and it must be acknowledged that they have at least the color of plausibility. Such an excuse, however, should not be permitted to exist. It gives a pretext to officers who feel so inclined to speculate with the public funds, and not even seek an opportunity to remit them, but rather to evade one, and plead the expense of transmission as their justification for withholding them. I have known of amounts collected for upwards of eighteen months, which are yet remaining in the possession of the officer, and from the remoteness of the place of their collection, are as unavailing to the wants of the Treasury, as before they had been collected, say nothing of the probable insecurity of their custody. Many other causes might be assigned for the necessity and propriety of creating such an officer, but on the present occasion, those suggested are thought to be sufficient.

The disposition to be made of the buildings and the ground, formerly used by the late government for custom purposes, demands attention of the Legislature. The object for which such property was intended and used, having ceased, and not being required in any way by the State, I would, therefore, respectfully suggest the passage of an act authorizing their sale.

The buildings in the city of Austin have been rented conformably with the provision of a Joint Resolution for that purpose, approved 25th April, 1846. I have found it necessary to apply part of the proceeds of the rent to their repairs. I have only done so, however, when it was absolutely necessary for the preservation of the property. If they are continued to

be rented, authority should be given to appropriate a sufficiency of the proceeds to their needful repairs. The condition of many of them is such that unless refitted, they will shortly become untenable.

The time allowed purchasers of Austin City and out lots to make final payment on the same, expired on the 4th of May last. As some of the purchasers of this property were not aware of the limit attached to the late act of extension, I would respectfully recommend a further indulgence, say of six months; and where they do not avail themselves of it, the Comptroller should be authorized to offer for sale, such lots as may become forfeited thereby, to the highest bidder. This would put an end to the continued application to the Legislature for relief, and bring the matter to a final close.

I have avoided putting in suit the accounts of defaulting officers of the late Republic of Texas, in every instance, when I had the least assurance or confidence they could be settled otherwise. In doing so the interest of the State was duly consulted. The few examples we have had for the recovery of money by suit, have been so tedious and slow, as to show that it should not be resorted to but in extreme cases. I have been deterred; however, to some extent, from commencing proceedings against many, from the fact, that some of the District Attorneys considered indispensable to a favorable issue, the production in court of the original papers on which the claims are based. As those papers are part of the permanent records of this office, I feel reluctant to let them go out in the absence of Legislative authority. They are frequently required as matters of important reference both by the State and by individuals, and their loss, which might be apprehended in passing through so many hands, would be the destruction of the only legal evidence of the claim. I would therefore recommend to obviate any difficulty of the character referred to, the passage of a law, providing, that in all cases of delinquency, where suit has been brought, or shall be instituted, a transcript from the books and proceedings of the Comptroller, certified by him, and authenticated under the seal of his office, should be admitted as evidence in any court of the State, wherein such action may have been commenced, or may hereafter be instituted; and also, that all copies of bonds and other papers connected with the settlement of any account, certified in like manner by the Comptroller, should have equal validity, and be entitled to the same

degree of credit which would be due to the original papers if produced.

There are a large number of balances unaccounted for, under the Promissory Note system. The officers, many of them are dead, some have left the State, others insolvent or their property in such a situation that it cannot be reached. To commence suit under such circumstances, for the recovery of the amounts, would be subjecting the State to the costs of the prosecution only. It is my impression, however, that many of these amounts could be secured by way of compromise. I would, therefore, recommend, that some officer be clothed with discretionary authority of this character, who, by giving an extension of time, or such like indulgence, might be able to save many of the amounts. Whereas, by proceeding against them in court, nothing can be effected. Similar authority has been conferred on the accounting officers in the United States for the adjustment of long standing balances due that Government, and it has been found to operate much more salutary there, than by undertaking their collection by suit.

Presuming that the Legislature is likely to take some action, in relation to adjudicating and classifying the debt of the Republic of Texas, I have prepared with great care, a statement from the best data within my control, of the several descriptions of liabilities issued and outstanding, and the probable amount of unaudited or floating claims. A similar statement was furnished the Legislature at its last session, differing only with the one now made in the addition of accumulated interest accrued on the debt since then, to the first of January ensuing, and an increase of the estimate of the unaudited claims, which I am convinced was made too low at that time.

Since the adjournment of the Legislature, a large number of claims of the late Government have been presented to the Comptroller for adjustment, under the impression that he was authorized to audit them. It is to be supposed, that on being informed that no provisions of the kind had been made, the claimants left dissatisfied, not that they expected to have their demands liquidated, but to have them acknowledged was all they expected, or if they had not the needful proof to substantiate their claims, that they might know what was required, and provide it while it could be done. This, it must be admitted, was a reasonable expectation on their part. By postponing the settlement, many just and equitable demands may be mate-

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TREASURY NOTES.

Amount issued at different times, and deposited in the Treasury for disbursement,	4,599,809 00	
Amount of change notes issued at different times and deposited in the Treasury for disbursement,	118,130 00	
		\$4,717,939 00
From the above the following deductions should be made :		
Amount redeemed at the Treasu- ry and cancelled,	772,439 00	
Amount invested in the ten per cent. stock created by act of Feb. 5, 1840,	772,800 00	
Amount invested in the eight per cent. stock created by act of Feb. 5, 1840,	22,800 00	
Amount received in collection of the revenue and destroyed,	410,959 00	
Amount due by collecting officers and which is likely to be paid, including the probable sum to be received for land dues and patents,	185,000 00	
		2,163,998 00
Balance of Treasury notes in circulation,		\$2,553,941 00

EIGHT PER CENT. BONDS.

Amount issued of this description of liabilities,	849,900 00	849,900 00
From the above the following deduction should be made :		
Amount received in payment of the revenue, and destroyed,	40,100 00	
Balance of eight per cent. bonds in circulation,		\$809,800 00

FUNDED DEBT.

Amount issued of the ten per cent. Consolidated Stock in redemption of audited Drafts, under the pro- visions of an act approved June 7, 1837,	757,151 68	
From which the following deduc- tion should be made :		
Amount redeemed by issuing Land Scrip, and destroyed,	1,500 00	
	755,651 68	
Amount of this character of stock issued to Swartwout and others in payment of claims held by them,	13,948 32	
Amount issued in liquidation of Land Scrip,	66,400 00	
		836,00 000
Amount issued of the ten per cent. stock for the redemption of prom- issory notes under the provis- ions of an act approved Feb. 5, 1840,	772,800 00	
From which the following deduc- tion should be made :		
Amount redeemed by issuing Land Scrip in lieu thereof, and destroy- ed,	1,400 00	
		771,400 00
Amount of ten per cent. stock issued for the redemption of audited Drafts under the provisions of an act approved Feb. 5, 1840,		45,600 00
Amount of eight per cent. stock is- sued for the redemption of prom- issory notes under the provisions of the above named act,		22,800 00
		\$1,675,800 00

INTEREST ON LIABILITIES.

Amount of interest on eight per cent. bonds to 1st January, 1848,	475,944 00	
From which the following deduction should be made :		
Amount of interest due on amount redeemed and destroyed,	22,456 00	
		453,488 00
Amount of interest on the ten per cent. stock of June 7, 1837, to Jan'y 1, 1848,	672,732 00	
From which the following deduction should be made :		
Amount of interest due on amount redeemed and destroyed,	1,100 00	
		671,632 00
Amount of interest on the ten per cent. stock of Feb. 5, 1840, to 1st January, 1848,	582,820 00	
From which the following deduction should be made :		
Amount of interest due on amount redeemed and destroyed,	1,056 00	
		581,764 00
Amount of interest on the ten per cent. stock of Feb'y 5, 1840, for the redemption of audited paper, to the 1st January, 1848,		33,440 00
Amount of interest on the eight per cent. stock of Feb'y 5, 1840, for the redemption of Promissory notes to the 1st Jan'y, 1848,		13,148 00
Amount of interest on Treasury notes subject to an annual interest of ten per cent. to the 1st Jan'y, 1848, on \$50,000,		45,000 00
Amount of interest on Treasury notes in circulation not bearing interest on their face (should the Government think proper to allow it) from the 1st of Feb'y, 1842,		

at which time they were prohibited from being received for revenue, to the 1st Jan. 1848, (say on \$2,503,941,) at 5 per cent. per annum,

740,749 21

Total interest on Liabilities,

\$2,539,221 21

UNAUDITED CLAIMS.

Probable amount of unaudited demands due for supplies furnished the Navy, pay of officers, and men of the same, and other naval claims,	260,000 00
Probable amount of unaudited demands due for supplies furnished the Army, pay of officers and soldiers of the same, and other military claims,	570,000 00
Probable amount of unaudited demands other than those mentioned above, civil in their character,	230,000 00

Total of probable unaudited claims, \$1,060,000 00

RECAPITULATION of the foregoing, which may be considered a Domestic Debt.

Audited Drafts,	267,384 40
Treasury Notes,	2,553,941 00
Eight per cent Bonds,	809,800 00
Funded Debt,	1,6785,00 00
Interest on Liabilities,	2,539,221 21
Unaudited Claims,	1,060,000 00
	8,906,146 61

DEBTS WHICH MAY BE CONSIDERED FOREIGN.

Amount borrowed from the Bank of the United States, for which sterling Bonds to the amount of £94,500, bearing ten per cent. interest,

were issued, which is equivalent in dollars to	400,000 00
Amount of interest on the above, from July 1st, 1839, to 1st January, 1848,	340,000 00
	740,000 00
Amount borrowed from U. S. Bank,	
with interest, brought forward,	740,000 00
Amount claimed by James Holford and associates, for the purchase of the steamer "Zavala," being double the amount of the original contract, claimed on account of the Government failing to pay at maturity, and for which sterling bonds to the amount of £40,476 13s. 4d., bearing ten per cent. int. per annum, were issued, equal to	180,029 68
Amount of interest on the above, from 1st July, 1839, to 1st Jan'y, 1848,	153,025 22
	333,054 90
Amount claimed by F. Dawson and others, for the payment of naval vessels, being double the amount of the original contract, claimed on account of the Government failing to pay at maturity, for which two bonds for \$280,000, each bearing ten per cent. interest per annum, were issued,	560,000 00
Amount of interest on the above, from the 13th November, 1838, (the date of the bonds) to the 1st Jan'y, 1848,	511,000 00
	1,071,000 00
Total of Foreign Debt,	\$2,144,054 90

Recapitulation of the Total Amounts.

Domestic Debt,	8,906,146 61
Foreign do	2,144,054 90
	\$11,050,201 51

Probable average rate at which each Class of the foregoing Liabilities have been available to the Government on a par basis.

FIRST CLASS.

The debts under this head should be considered as having been available at par.

	<i>Ostensible or face value.</i>	<i>Equivalent value.</i>
Amount due the bank of the United States, and that claimed by Jas. Holford and F. Dawson,	2,144,054 90	2,144,054 90
Amount of audited Drafts of a par issue	80,000 00	80,000 00
Amount of the ten per cent consolidated stock issued to Swartwout and others; also the amount issued in redemption of land scrip, including interest on the same,	155,340 07	155,340 07
Amount of unaudited claims,	1,060,000 00	1,060,000 00

SECOND CLASS.

The debts under this head should be valued at 33 1-3 cents on the dollar, as having been so available to the Government.

Amount of 10 percent consolidated stock of June 7, 1837, in circulation, including interest on the same, except the amount issued to Swartwout and others, which is included in the former class,	1,352,291 93	450,763 97
	\$4,791,686 90	4,190,157 94
	Amounts carried forward.	

	<i>Ostensible or face value.</i>	<i>Equivalent value.</i>
Amounts brought forward,	4,791,686 90	4,190,157 94

THIRD CLASS.

The debts under this head should be valued at 30 cents on the dollar, as having been so available to the Government.

Amount in circulation of the ten per cent. stock created by act of February 5, 1840, for the redemption of Treasury notes and audited paper, including interest,	1,432,204 00	429,661 20
Amount in circulation of the eight per cent. stock created by the same act, including interest,	35,948 00	10,784 40

FOURTH CLASS.

The debts under this head should be valued at 25 cents on the dollar, as having been so available to the Government.

Amount of audited Drafts in circulation, deducting the amount allowed above as par issue, :	187,384 40	46,846 10
Amount of Treas. Notes in circulation, including interest,	3,339,690 21	834,922 55
Amount of eight per cent. Bonds in circulation, including interest,	1,263,288 00	315,822 00
Totals, \$	11,050,201 51	5,528,195 19

Recapitulation of the equivalent value of each Class.

First Class,	3,439,394 97
Second do	450,763 97
Third do	440,445 60
Fourth do	1,197,590 65

Total of equivalent value, \$5,528,195 19

JAMES B. SHAW, *Comptroller.*

Comptroller's Office, }
Austin, Dec. 3d, 1847. }

REMARKS

Referring to the foregoing Statement.

The drafts issued under the Exchequer System are not included in the foregoing statement, as they have all been redeemed in specie, except a few, which can be paid on presentation. I have also left out the small amount of Exchequer bills now in circulation, as they will be absorbed in the payment of the revenue now due.

The classification of the several issues according to the average rate at which each has been available to the government, is made partly from what data I could derive from the records of the government, and partly from my own knowledge of the claims.

It is impossible to ascertain from the date of their original issue, what they were worth when last paid out, for a bill may have been first issued in 1837, when at par, and after returning to the Treasury, may have been re-issued the year following, when worth 75 cents on the dollar, and so on, until 1841, when it may have been paid out for the last time, at one-sixth of its ostensible value. I have therefore assigned to each class an average rate of equivalent value, except those which from their character ought to be rated at par.

The Stock Bonds issued to Swartwout and others, for money actually advanced during the early part of the revolution, as

also, those issued in redemption of Land Scip, at the same rate at which it was sold by the government for cash, or its equivalent, ought both in justice to be redeemed at par, and I have estimated them accordingly.

The amount claimed by Mr. Frederick Dawson and others, and James Holford and associates, as the value of the Naval vessels furnished by them, was originally by the former \$280,000, and by the latter \$90,014 84, but owing to the failure of the Government to meet the demands at maturity, double the sum, in ten per cent. bonds were issued, according to the previous agreement, to cover the debt. I have therefore allowed for the whole amount of the bonds. Mr. Dawson and those interested with him, have memorialized the Congress of the United States for the payment of the bonds held by them, on the grounds, that by the annexation compact between the two Governments, "it was required by Texas, to cede to the General Government among other public property, all her navy, navy yards, arms, and armaments, and in compliance, she has given up to the U. States all that was left to her of this very navy, furnished by (them) your petitioners." They further add, that by annexation, Texas has been deprived of her duties on imposts, which was solemnly pledged for the "faithful liquidation of the interest and principal of these bonds, &c." The committee of claims of the Senate reported favorably on the memorial. They use the following language in the conclusion of the report: "That the United States having become possessed of the identical vessels furnished by the memorialists, and also of the public revenues of Texas pledged for their payment, are properly responsible for the discharge of that obligation to the memorialists, which the Republic of Texas justly incurred, and uniformly regarded as binding and sacred." In view of all the facts, the committee recommend the payment of the claims by the United States, and report a bill for that purpose. The bill did not become a law, owing, as I have understood, to the short time the Congress remained in session after the report was made. That the General Government will at an early day provide for this demand, which by every principle of equity she is bound so to do, I have no doubt; but, until she does, of course Texas considers herself responsible. I have consequently included the amount in the preceding statement.

The Consolidated Fund created by act of June 1st, 1837, could it be analyzed, would be subject to the greatest variety

of equivalent rates, and hence it is more difficult to average them in this, than in any other fund. In it we e invested large amounts of liabilities, which the Government had issued to the investors, as of par value, and had expected to redeem accordingly. Other investments were made in it of claims which had been bought at a discount, and on speculation ; but all equally under the firm belief that the bonds of the fund would eventually be redeemed at their ostensible value, which was not the case in the investments of other Texian Stocks. I have consequently rated it higher than the other depreciated debts, considering it entitled to more consideration, as its issues have directly or indirectly been available to the Government for a greater "pro rata" amount, than any other. It is also, now generally in the hands of the original funders, and has been less subject to speculation, in consequence of its being transferable only on the books of the Stock Office.

It is considered that the next in value, is the ten per cent. Stock, created by act of Feb. 5th, 1840, for the redemption of Treasury Notes. The holders of these notes, by investing them in this fund, surrendered a currency which they could use for revenue purposes, and received one which they could not, under the assurance that the interest of the latter would be paid. The amount of revenue currency thus withdrawn from the market, had a natural tendency to sustain the value of what was left in circulation, and the Treasury notes would doubtless have depreciated more rapidly, had it not been for this circumstance. As the interest failed to be paid, after the investor had relinquished for it the use of a revenue currency, which his investment aided in upholding, I consider the bonds of this fund entitled to a higher value than Promissory Notes.

The value assigned to Treasury Notes, is estimated on the same plan as other liabilities, according to the average of what they yielded to the Government. The first issue made in the fall of 1837, and the spring of 1838, was \$650,000, and passed from the Treasury at par. They soon commenced depreciating, and went gradually down, so that in 1841, the Government was compelled to pay them out at from 12 to 15 cents on the dollar. The rate given them is equitable as an average, both to the Government and the holders. As the Eight per cent. bonds were mainly on the same footing as Treasury Notes, they have been included in the same rate.

Interest has been calculated on the liabilities which were is-

sued, as being subject to it, according to their tenor, from and after the last payments of interest.

Although the larger portion of Treasury Notes in circulation were not issued to pay interest, on the grounds of equity, I have allowed on them five per cent. per annum, from the time when they ceased to be taken for imposts ; as they were issued on the credit of the revenue for which they were to be received, and thus acquired a higher value than they could have done without that pledge of redemption. They are, as I consider, justly entitled to interest since that pledge was withdrawn, which was the 1st of Feb., 1842.

J. B. SHAW, *Compt.*

Mr. Haynie introduced a joint resolution donating certain public property to the Methodist church.

Read first time.

Mr. Haynie moved a suspension of the rule.

Lost.

Mr. Anderson introduced a bill to validate the acts of Thomas Wm. Ward, Commissioner of the General Land Office.

Read first time.

Mr. Crump introduced a bill to locate the seat of justice of Austin county.

Read first time.

Mr. Lamar introduced a joint resolution protesting against the relinquishment to Mexico of the country south and west of the Rio Grande, conquered by and in the possession of the United States.

Read a first time.

A message was received from the Senate, through their Secretary, Mr. N. C. Raymond, informing the House that the Senate had passed an act authorizing the Governor to employ an express-man to inform the Hon. Sam. Houston of his election, without amendment, and that they had suspended all rules.

Mr. Lamar introduced a joint resolution respecting the incorporation of a portion of the conquered Provinces or States of the Republic of Mexico into the State of Texas, with the consent of the United States, and respecting a cession of a portion of the northern part of Texas to the United States.

Read a first time.

On motion of Mr. Burroughs, the resolution offered by Mr. Willie, was taken up.

Mr. Crutcher moved to amend by inserting the words, "that so much thereof as relates to the resolutions sent to His Excellency by the Governors of other States, be referred to the committee on Federal Relations."

Lost.

Mr. Bourland moved to amend by inserting the words, "and that the several committees be instructed to report to the House what portion of the several reports shall be printed."

Carried.

Mr. Willie moved to amend by inserting the word "Treasurer" after the word "Comptroller."

Carried.

The question was then taken on the adoption of the resolutions as amended, and carried.

The chair announced the following committees through the chief clerk:

Committee on the Penitentiary—Messrs. Potter, Dooley, Anderson, Crutcher, Edwards, Wilder, Sadler, Epperson and Moseley.

Committee on Roads and Public Highways—Messrs. Lyons, Neal, Sterne, Shaw and Stuart.

Committee on Post Routes—Messrs. Haynie, Eddy, Caruthers, Neal, Wren, Miller, of C., Burroughs and Goode.

On motion of Mr. Moseley, Mr. Reagan was added to the Judiciary committee.

On motion of Mr. Rayner, Mr. Bogart was added to the committee on County Boundaries.

On motion of Mr. Reagan, Mr. Winkler was added to the committee on County Boundaries.

On motion of Mr. Burroughs, Mr. Allen was added to the committee on County Boundaries.

On motion of Mr. Potter, Mr. Anderson was added to the Judiciary committee.

On motion of Mr. Taylor, Mr. Walling was added to the committee on County Boundaries.

Mr. Webb introduced a joint resolution prescribing the mode of voting at popular elections.

Read a first time.

Mr. Cunningham introduced a bill requiring certain land titles to be recorded.

Read a first time.

On motion of Mr. Willie, Mr. Robertson was added to the committee on Post Routes.

On motion of Mr. Moseley, Mr. Runnels was added to the committee on Post Routes.

On motion of Mr. Webb, the House adjourned to 2 o'clock, p. m.

2 o'clock, p. m.

The House met.

Roll called—quorum present.

Mr. Allen introduced a bill to regulate the salaries of District Attorneys.

Read a first time.

Mr. Burroughs, chairman of the committee on Enrolled Bills, reported that they had examined a joint resolution authorizing the Governor to employ an express-man, to inform the Hon. Sam. Houston of his election, and find the same correctly enrolled.

Report adopted.

Mr. Sterne introduced a joint resolution abolishing the office of Chief Justice.

Read a first time.

Mr. Anderson introduced the following resolution:

Resolved, That the Chief Clerk be requested to obtain from the proper Department, a copy of the Constitution for each member of the House of Representatives.

Read and adopted.

Mr. Moseley introduced the following resolution:

Resolved, That the committee on Printing be instructed to have printed 66 copies of the joint resolution this day presented by the Representative from San Patricio, for the use of the House.

Rejected.

Mr. Walling introduced the following resolution :

Be it Resolved, That this House take no action on any debt or claim that may be set out against the late Republic of Texas, nor pass no relief law, to benefit *no person*, living in this State nor out of it ; and that this House will appoint a special committee to draft some general law on that subject, and that the Speaker appoint said committee,

Read, and on motion of Mr. Cunningham, referred to the committee on Claims and Accounts.

A message was received from his Excellency the Governor.

On motion of Mr. Anderson, the message was taken up and read, and,

On motion of Mr. Allen, referred to the committee on Finance.

On motion of Mr. McNeill, the House adjourned to to-morrow morning, 9 o'clock.

House of Representatives.
Austin, Dec. 17, 1847.

The House met pursuant to adjournment,

The roll was called,

And the following members answered to their names :

Messrs, Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Caruthers, Crump, Crutcher, Cunningham, Davis of

L., Davis of R., Eddy, Epperson, Gilliam, Goode, Haynie, Irion, Keenan, Lamar, Lott, Lyons, Mc Neill, Miller of H., Miller of C., Milican, Moseley, Pease, Potter, Rayner, Rains, Railey, Reagan, Renfro, Rogers, Runnels, Sadler, Shannon, Shaw, Stuart, Stout, Stoddard, Taylor, Truitt, Walling, Webb, Winkler, Wilder and White.

A quorum present.

The Journal of the preceding day was read and adopted.

Mr. Shannon presented the petition of sundry citizens of Fannin county, praying relief for Thomas M. Allen,

Read, and on motion of Mr. Miller of H., referred to the committee on Finance.

Mr. Fields, chairman of the committee on Printing, reported, that in accordance with a resolution of the House. requiring them to contract for 10 copies of the "Texas Democrat" for each member of the House, and for the printing of 1000 copies of the Governor's message, beg leave to report, that they have contracted with the editors of the "Democrat," for the number of papers required, and for printing, as per endorsed memorandum, which is subject to the confirmation of the House. If not instructed to the contrary, the committee will make the contract final.

Adopted.

Mr. Runnels introduced the following resolution :

Resolved, That the committee on Public Lands be requested to inquire into the expediency of the passage of a law by this Legislature, affixing a period for the location and survey of all claims upon the present unappropriated public domain, and report to this House at as early a day as practicable.

Read and adopted.

Mr. Reagan introduced the following resolution :

Resolved, That the committee on Public Lands be instructed to inquire into the propriety of passing a law, specifying

a time at which the issuance of certificates shall cease, and that said committee report at the earliest practicable period.

Read and adopted.

Mr. Fields introduced a bill to be entitled an act fixing the time at which the regular sessions of the Legislature of this State shall convene.

Read first time.

Mr. Reagan introduced the following resolution :

Resolved, That the committee on Public Lands be instructed to inquire into the propriety of passing a law to provide for the translation of papers of grants to lands made in the Spanish language into the English language, and for the recording of said papers in the county clerk's office of the counties in which the lands may be situated, and that said committee report at the earliest practicable period.

Read and adopted.

Mr. Bogart introduced a bill to require all headright certificates to be proven up in a given period.

Read first time.

Mr. Lyons introduced the following resolution :

Resolved, the Senate concurring, that the Commissioner of the General Land Office be, and he is hereby authorized to employ some competent person to visit the different counties in this State, for the purpose of making correct maps and drawings of all counties that may not be already provided for ; and this resolution to take effect from and after its passage.

Read first time.

Mr. Pease introduced the following resolution :

Resolved, That the Speaker appoint a committee of three to ascertain and report a mode of examining the votes, and declaring the persons elected Governor and Lieutenant Governor, and that the Senate be requested to appoint a like committee to act jointly with the committee of this House.

Read and adopted.

The chair appointed Messrs. Pease, McNeill and Bogart, said committee.

On motion of Mr. Burroughs, the orders of the day were taken up.

A joint resolution protesting against the relinquishment to Mexico of the country south and west of the Rio Grande, conquered by and in the possession of the United States.

Read a second time and referred to committee on Federal Relations.

A joint resolution respecting the incorporation of a portion of the conquered Provinces or States of the Republic of Mexico into the State of Texas, with the consent of the United States, and respecting a cession of a portion of the northern part of Texas to the United States.

Read a second time.

Mr. McCown moved to refer the resolution to the committee on County Boundaries.

Lost.

Mr. Sadler moved to refer the resolution to the committee on State Affairs.

Carried.

An act to regulate the salaries of District Attorneys.

Read a second time, and,

On motion of Mr. Anderson, referred to the Judiciary committee.

A joint resolution abolishing the office of Chief Justice :

Read a second time, and,

On motion of Mr. Sterne, referred to the Judiciary committee.

A bill requiring certain land titles to be recorded :

Read a second time, and,

On motion of Mr. Cunningham, referred to the Judiciary committee.

An act prescribing the mode of voting at all popular elections :

Read a second time.

Mr. Webb moved to refer it to the Judiciary committee.

Lost.

Mr. Rayner moved its reference to the committee on Privileges and Elections.

Carried.

Cash RECEIPTS in account current with EXPENDITURES, from the 19th of February, 1846, to the 31st of October, 1847, showing the manner in which the Revenues received during that time have been disposed of.

DR						CR.					
REVENUE OF THE REPUBLIC.											
	Amount in Specie.	Amount of Exchequer.	Am't in au-dited Drafts.	Am't in Pro-miss'y Notes.	TOTAL.		Amount in Specie.	Amount in Exchequer.	Am't in au-dited Drafts.	Am't in Pro-miss'y Notes.	TOTAL.
To amount received from Customs,	\$5,206 1.	1,859 12	414 92	3,543 48	60,063 65	By amount destroyed according to act of Congress approved January 2d, 1842,	" "	12,459 87	16,735 13	78,773 63	107,998 63
" " " Direct Taxes,	18,282 92	4,203 52	9,540 70	9,433 96	11,464 10	By am't disbursed on account of Republic War-rants outstanding at the change of government,	15,643 29	574 44	" "	722 44	16,940 17
" " " Licenses,	7,631 14	944 26	" "	618 00	9,223 10	By am't disbursed on account of expenditures of the State to 31st of October, 1847,	112,633 98	" "	" "	" "	112,033 98
" " " Miscellaneous sources,	48,872 94	3,971 96	6,779 47	66,822 90	126,517 25	By cash remaining in the Treasury on the 31st of October, 1847,	57,334 71	954 55	" "	1,025 21	59,314 47
REVENUE OF THE STATE.											
To amount received from Direct and License Taxes,	58,653 67	" "	" "	" "	58,653 67						
" " " Miscellaneous sources,	202 88	" "	" "	" "	202 88						
" " Special deposits,	162 30	" "	" "	" "	162 30						
	\$185,011 98	14,018 86	16,735 13	80,521 28	296,287 25		\$185,011 98	14,018 86	16,735 13	80,521 28	296,287 25

NOTE.—Of the specie balance in the Treasury, as shown above, \$6,096 66 of the amount is not of a disbursable character, being comprised of these items: \$5,883 65 of the School Fund, \$43 71 of County Taxes, and \$162 30 deposited from the settlement of successions, which reduces the actual available Specie balance in the Treasury to \$51,238 05.

COMPTROLLER'S OFFICE, }
Austin, December 3d, 1847. }

JAMES B. SHAW, Comptroller.

STATEMENT,

Shewing the condition of the Accounts of the Assessors and Collectors of Direct and License Taxes for the year 1846, as appear on the Books of the Comptroller, on the 31st of October, 1847.

NAME OF ASSESSOR AND COLLECTOR	COUNTY.	Am't of Debits including Record Assessm't.	Am't of Credits including Record Assessm't.	Balance due.	Am't paid on account of 1847.
Wm. M. Gibson,	Anderson,	1,146 02	1,059 10	86 92	
S. Brown,	Angelina,	382 16	349 43	32 73	
R. McNutt,	Austin,	2,722 30	1,960 10	762 20	
A. D. Hunt,	Bastrop,	3,175 71	2,930 65	245 06	
J. L. Truehart,	Bexar,	3,087 62	4,155 49		1,067 87
L. Morris,	Bowie,	1,393 69	207 29	1,186 40	
J. Dockrill,	Brazoria,	6,285 43	1,546 58	4,738 85	
J. B. Callicoate,	Brazos,	594 48	170 39	424 09	
W. A. King,	Burleson,	1,619 84	1,580 67	39 17	
T. Watson,	Cass,	1,976 10	1,131 30	844 80	
J. Gibson,	Cherokee,	1,073 47	1,131 14		57 67
L. Searcy,	Collin,	693 02	532 68	160 34	
W. A. Naill,	Colorado,	1,591 99	1,417 36	174 63	
C. W. Thomae,	Comal,	757 62	76 76	680 86	
B. Merrill,	Dallas,	851 72	868 16		16 44
H. Medlin,	Denton,	27 97	4 48	23 49	
J. McCrabb,	De Witt,	846 86	849 86		3 00
R. P. Murry,	Fannin,	1,977 31	1,530 36	446 75	
J. W. McKissick,	Fayette,	4,173 51	2,822 99	1,355 52	
H. J. Parkerson,	Fort Bend,	2,820 24	2,127 26	692 98	
L. P. Sundberg,	Galveston,	6,438 64	6,697 79		259 15
C. A. Russell,	Goliad,	1,802 97	1,736 44	66 53	
D. Hanna,	Gonzales,	1,791 84	1,701 01	90 83	
U. Burns,	Grayson,	1,094 12	845 69	248 43	
F. Brigance,	Grimes,	3,067 38	3,157 15		89 77
W. G. King,	Guadalupe,	1,233 17	1,333 79		145 62
W. G. Evans,	Harris,	3,443 13	4,443 43		1,003 30
H. S. Hope,	Harrison,	3,835 83	293 76	3,442 07	
J. E. Chism,	Henderson,	1,526 53	1,251 31	275 22	
R. E. Matthews,	Hopkins,	540 95	266 59	274 31	
B. Clark,	Houston,	2,500 93	1,889 84	611 09	
H. Banta,	Hunt,	122 38	19 58	102 80	
J. M. White,	Jackson,	1,385 05	1,406 66		21 61
W. C. Anderson,	Jasper,	788 61	462 53	326 08	
J. Wilson,	Lamar,	1,822 62	2,400 97		578 35
G. Zumwalt,	La Vaca,	818 29	793 01	25 28	
B. King,	Leon,	1,113 93	1,055 54	58 39	
W. Brooks,	Liberty,	2,314 98	1,085 56	1,229 42	
P. C. Whittaker,	Limestone,	1,405 55	1,457 75		52 20
J. Mackey,	Matagorda,	3,472 62	3,757 73		285 11
J. Gross,	Milam,	3,293 85	3,322 91		29 06
H. R. Boston,	Montgomery,	1,654 04	638 12	1,015 92	
A. Caddell,	Nacogdoches,	3,896 25	4,622 75		726 50
E. Rogers,	Navarro,	421 16	67 38	353 78	
J. Stevenson,	Newton,	627 48	160 40	527 08	
J. T. Gill,	Panola,	2,001 21	219 91	1,781 30	
G. M. Reese,	Polk,	1,048 22	483 62	564 60	
A. J. Titus,	Red River,	200 00	200 00		
R. H. Matthews,	Robertson,	1,600 76	1,467 63	133 13	
W. Reagan,	Rusk,	2,090 02	383 72	1,706 30	
W. Mason,	Sabine,	1,437 24	1,248 78	188 46	
W. B. McShan,	San Augustine,	3,907 50	3,877 84	29 66	
W. K. Elliott,	Shelby,	2,019 98	327 17	1,692 81	
T. L. Wiltshire,	Smith,	748 01	442 35	305 66	
W. Keith,	Titus,	805 34	199 60	606 34	
G. D. Glasscock,	Travis,	3,539 96	3,525 61	14 35	
J. Barclay,	Tyler,	511 57	520 44		8 87
J. W. Richardson,	Upshur,	639 34	468 38	230 96	
P. U. Pridham,	Victoria,	2,397 99	2,544 31		146 32
H. M. Watkins,	Walker,	1,958 25	523 65	1,434 60	
E. D. Little,	Washington,	3,641 50	2,350 50	1,291 00	
J. Foster,	Wharton,	1,876 63	1,864 18	12 45	
Totals,		\$118,042 85	92,000 05	3,533 64	3,490 84

JAMES B. SHAW, Comptroller.

COMPTROLLER'S OFFICE,
Austin, December 3d, 1847.

NOTE. The foregoing Statements have been condensed by direction of the Committee on Printing; and many of the statements accompanying the Report have not been published.

STATEMENT

Of the Taxable Property in the various Counties of the State for the years 1846 and 1847, as shewn by the Assessment Rolls exhibiting the amount of Taxes due thereon, and also the amount of License Taxes levied during said years.

FOR 1846.

FOR 1847.

NAME OF COUNTY.	Value of property assessed.	Am't of ad val and poll tax.	Amount of License Tax.	Total amount of Tax.	Value of property assessed.	Am't of ad val and poll tax.	Amount of License Tax.	Total amount of Tax.
Anderson,	337,150	946 30	199 72	1,146 02	391,365	1,072 73		1,112 13
Angelina,	185,645	481 23	19 58	500 87	210,535	539 07		539 07
Austin,	1,160,850	2,597 70	78 01	2,675 71	1,131,105	2,643 21	312 37	2,955 58
Bastrop,	929,440	2,124 68	137 95	2,262 63	967,830	2,216 66		2,216 66
Bexar,	1,161,225	2,753 45	334 17	3,087 62	1,487,615	3,458 23	1,798 92	5,257 15
Bowie,	552,845	1,334 69	55 00	1,389 69	646 28	1,551 56	311 22	1,832 78
Brazoria,	2,942,430	5,312 92	972 51	6,285 43	2,621,035	4,589 19		5,599 19
Brazos,	199,920	481 98	112 50	594 48	195,672	474 35	81 44	555 79
Burleso,	687,050	1,566 10	53 74	1,619 84	696,580	1,572 16		1,572 16
Calhoun,	Returns not received.				244,535	621 07		621 07
Cass,	705,050	1,786 10	190 00	1,976 10	820,385	2,035 77		2,035 77
Cherokee,	315,700	907 40	175 2	1,082 61	419,730	1,255 46	446 97	1,702 13
Collin,	279,510	693 02	" "	693 02	179,510	692 02		692 02
Colorado,	673,165	1,547 33	44 66	1,591 99	688,360	1,640 72	527 63	2,168 35
Comal,	41,520	202 04	555 58	757 62	139,750	429 50		429 50
Dallas,	160,700	572 40	395 94	968 34	241,875	829 75	130 00	959 75
Denton,	1,485	27 97	" "	27 97	8 175	83 35		83 35
De Witt,	288,900	692 80	159 58	852 38	439,450	1,035 90		1,035 90
Fannin,	547,460	1,185 92	491 39	1,977 31	560,985	1,674 97		1,674 97
Fayette,	1,166,910	2,683 82	459 14	3,142 96	1,142,613	2,738 39		2,738 39
Fort Bend,	1,297,110	2,795 22	262 55	3,057 77	1,257,100	2,669 20		2,669 20
Galveston,	2,473,585	5,465 17	1,038 77	6,503 94	2,624,535	5,953 97		5,953 07
Gold,	876,795	1,788 59	14 38	1,802 97	1,766,390	3,610 78		3,610 78
Gonzales,	587,350	1,332 70	642 94	1,975 64	780,675	1,791 35		1,791 35
Grayson,	28,950	722 90	382 06	1,104 96	443,930	1,107 86		1,107 86
Grimes,	1,203,815	2,768 63	342 27	3,110 90	1,176,565	2,735 13	655 44	3,390 57
Guadalupe,	444,925	984 85	204 81	1,189 66	543,635	1,279 27	505 31	1,784 58
Harris,	1,461,065	3,443 13	" "	3,443 13	1,555,200	3,663 40		3,663 40
Harrison,	1,699,415	3,835 83	" "	3,835 83	not received.	" "		
Henderson,	647,765	1,524 53	" "	1,524 53	635,205	1,576 41		1,576 41
Hopkins,	179,950	540 90	" "	540 90	236,985	790 97	196 81	987 78
Houston,	882,915	2,096 83	434 10	2,530 93	762 65	1,846 13		1,846 13
Hunt,	15,680	122 38	" "	122 38	120,920	405 84		405 84
Jackson,	566,945	1,250 89	134 16	1,385 05	567,525	1,248 05	218 56	1,456 61
Jasper,	319,015	764 03	24 58	788 61	319,240	793 48	211 13	1,004 64
Jefferson,	Returns not received.				" "	" "		
Lamar,	686,305	1,822 61	" "	1,822 61	824,515	2,321 03	" "	2,321 03
La Vaca,	271,940	672 88	149 61	822 50	257,950	655 90	" "	655 90
Leon,	439,415	1,040 97	74 16	1,115 13	442,335	1,048 67	260 34	1,309 91
Liberty,	860,990	2,039 98	275 00	2,314 98	815,900	2,080 80	" "	2,080 80
Limestone,	571,440	1,338 88	76 67	1,405 55	907,775	2,080 50	" "	2,080 55
Matagorda,	1,513,335	3,702 67	243 95	3,946 62	1,526,840	3,232 68	571 25	3,803 93
Milam,	1,573,760	3,250 52	43 33	3,293 85	1,764,830	3,686 66		3,686 66
Montgomery,	503,320	1,249 64	404 40	1,654 04	487,745	1,200 49		1,200 49
Nacogdoches,	1,510,000	3,609 00	351 91	3,960 91	1,521,831	3,680 67	918 87	4,599 54
Navarro,	124,580	421 16	" "	421 16	630,350	1,541 78	205 38	1,747 16
Newton,	252,210	642 42	" "	642 42	237,230	627 46		627 46
Nueces,	Returns not received.		" "	" "	546,070	1,108 14	531 30	1,639 44
Panola,	463,105	2,001 21	" "	2,001 21	925,140	2,188 28		2,188 28
Pola,	329,470	866 94	181 28	1,048 22	458,750	1,121 50		1,121 50
Red River,	895,865	2,137 73	" "	2,137 73	977,235	2,428 47		2,428 47
Reaño,	Returns not received.		" "	" "	269,775	588 55	102 21	690 76
Robertson,	687,300	1,508 60	158 78	1,667 38	623,305	1,381 79	186 70	1,538 49
Rusk,	689,680	1,864 36	225 66	2,090 02	851,430	2,286 86		2,286 86
Sabine,	521,900	1,274 80	162 44	1,437 24	499,310	1,205 62		1,205 62
San Augustine,	1,379,270	3,181 54	725 96	3,907 50	1,375,310	3,178 62	780 30	3,958 92
San Patricio,	Returns not received.		" "	" "				
Shelby,	570,735	1,583 17	436 51	2,019 68			142 33	142 33
Smita,	286,770	678 54	72 87	751 41	342,160	856 32		856 32
Titus,	255,170	805 34	" "	805 34	285,470	952 94	174 87	1,127 81
Travis,	948,565	2,156 13	960 93	3,117 07	1,047,670	2,405 34		2,405 34
Tyler,	167,960	472 92	38 65	511 57	ret. not rec'd		133 37	133 37
Upshur,	258,935	654 87	" "	654 87	392,395	972 79	142 86	1,115 65
Victoria,	660,640	1,520 28	877 71	2,397 99	835,630	1,940 26		1,940 26
Walker,	680,885	1,595 97	362 28	1,958 25	586,000	1,481 00	786 31	1,481 00
Washington,	1,560,250	3,641 59	" "	3,641 50	1,653,415	3,857 83	179 72	4,644 14
Wharton,	811,330	1,753 66	122 97	1,876 63	974,305	2,077 61		2,257 33
Total amounts,	\$44,653,040	\$104,616 08	\$13,830 38	\$118,446 46	\$48,222 305	\$113,816 61	\$10,511 61	\$124,328 22

NOTE.—About one-sixth of the above property was assessed from the County Records by the Assessor, as non-resident property, but the same has been rendered for taxation in other counties than where it lies, consequently a corresponding reduction should be made from the amount of ad valorem tax, which is likely to be paid into the Treasury.
The increase of revenue for 1847, is about five per cent. over that of 1846.

RECAPITULATION

Of the different species of taxable property comprised in the above statement, and the amount of tax accruing on the same.

FOR 1846.

44,729,174 acres of land, valued at	27,520,223	Tax thereon	55,040 44
23,982 town lots,	2,539,176	" "	5,078 35
32,164 negroes,	10,488,248	" "	20,977 10
35,648 horses,	1,504,288	" "	3,008 58
392,733 cattle,	1,510,950	" "	3,021 90
Miscellaneous property,	1,089,855	" "	2,179 71

Total value of property assessed and tax thereon,	\$44,653,040	89,306 08
" Poll Tax,		15,310 00
" Amount of License Tax as above,		13,830 38

Total, \$118,446 46.

FOR 1847.

47,703,807 acres of land, valued at	29,680,394	Tax thereon,	59,360 79
21,549 town lots,	" " 2,955,814	" "	5,911 63.
33,003 negroes,	" " 10,726,221	" "	21,512 44
39,274 horses,	" " 1,622,526	" "	3,245 05
399,330 cattle,	" " 1,625,135	" "	3,250 27
Miscellaneous property,	" " 1,612,215	" "	3,224 43

Total value of property assessed, and tax thereon, \$46,222,305.

" Poll Tax,

" Amount of License Tax as above,

96,444 61

17,372 00

10,511 61

Total, \$124,328 22

JAMES B. SHAW, *Comptroller.*

COMPTROLLER'S OFFICE,

Austin, December 3d, 1847. }

An act locating the seat of justice of Austin county :

Read a second time, and

On motion of Mr. Keenan, ordered to be engrossed.

An act validating the acts of Thomas Wm. Ward, Commissioner of the General Land Office ;

Read a second time, and,

On motion of Mr. Anderson, laid on the table until the 1st day of January next.

A bill donating certain public property to the Methodist Church :

Read a second time.

Mr. Stout moved to amend by inserting the word "South," after the word "Church."

Carried.

Mr. Moseley moved the indefinite postponement of the bill.

Lost.

Mr. Irion moved to refer the bill to the committee on Public Buildings.

Lost.

Mr. Reagan moved to refer the bill to the committee on Finance.

Lost.

Mr. Bogart moved the engrossment of the bill.

Mr. Burroughs moved to amend by inserting the words—"Provided the said church pay or cause to be paid to the Treasurer of the State of Texas, the sum of ten dollars for each and every door, sash or window shutter they may wish, at and before the taking of the same."

Lost.

Mr. Anderson moved the previous question.

The yeas and nays being called, stood,

Yeas—Messrs. Allen, Anderson, Bogart, Bryan, Crutcher, Davis of L., Epperson, Fields, Goode, Hardiman, Haynie, Keenan, Lamar, Lott, Lyons, Miller of H., Milican, McNeill, Neal, Pease, Potter, Rains, Rayner, Robertson, Rogers, Railey, Sadler, Shannon, Stout, Stuart, Taylor, Webb, Walling, Willie, Wilder, and Wren—36.

Nays—Messrs. Speaker, Bourland, Burroughs, Caruthers, Crump, Cunningham, Davis of R., Dooley, Eddy, Edwards, Gilliam, Irion, Miller of C., Mosely, McCown, Renfro, Reagan, Shaw, Sterne, Truitt, Winkler, Wheeler and White—23.

Carried.

A resolution to fix the time at which the two Houses shall meet to count the votes for Governor and Lieutenant Governor :

Read a second time.

Mr. Webb moved to amend by inserting 3 o'clock.

Mr. McNeill moved to amend by inserting the word "Saturday," after the words "ten o'clock."

Carried.

Mr. Miller of H. moved to lay on the table.

Lost.

The question on Mr. Webb's amendment was taken, and lost.

Mr. Reagan moved to insert after the words "ten o'clock," the words "in the Representative Hall."

Carried.

Mr. Fields moved to amend by striking out the word "ten" before the word "o'clock," and inserting the word "nine."

Carried.

The question was then taken on the adoption of the resolution, and carried.

Mr. Sadler in the chair.

Mr. Anderson introduced a joint resolution to establish the county of Plumb Creek.

Read a first time.

Mr. Burroughs moved to suspend the rule.

Lost.

Mr. Cunningham introduced a bill to be entitled a 'Probate Law.'

Read a first time, in part.

Mr. Potter moved to dispense with the further reading.

Lost.

On motion of Mr. Robertson, the further reading of the Probate Law was dispensed with.

A message was received from the Senate through their Secretary, Mr. N. C. Raymond, informing the House that they had appointed Messrs. Perkins, Clark and Brashear, a committee on the part of the Senate, to act in conjunction with a like committee on the part of the House, to ascertain and report a mode of examining the votes and declaring the person elected Governor and Lieutenant Governor: and also that they have appointed Messrs. Abbott, Phillips, Wallace, Bourland and Brashear, a committee to act in conjunction with a like committee

on the part of the House, for the purpose of drawing up suitable instructions to our members in the United States Congress, relative to Post Routes in this State.

Mr. Reagan introduced a joint resolution granting further time for the payment of government dues and the return of field notes.

Read a first time.

Mr. Lott introduced an act requesting the Adjutant General to report.

Read a first time,

On motion of Mr. Keenan, Mr. Haynie was added to the committee on County Boundaries.

On motion of Mr. Reagan, Mr. Lott was added to the committee on Public Lands.

On motion of Mr. Miller, Mr. Sterne was added to the committee on Post Routes.

Mr. Gilliam introduced a joint resolution for the relief of Tax Assessors.

Read a first time.

On motion of Mr. Lott, the House adjourned until 2 o'clock, p. m.

2 o'clock, p. m.

House met. Roll was called, and a quorum found present.

The Speaker announced a communication on the Speaker's table, which,

On motion of Mr. Anderson, was taken up and read.

Mr. Potter moved to refer the communication to a select committee.

Carried.

The chair appointed Messrs. Potter, Anderson, Willie, Rogers and Rains said committee.

Mr. Pease, chairman of the committee appointed to report the mode of examining the votes for Governor and Lieutenant Governor, presented the following resolution:

Resolved, that the two Houses shall assemble in the Hall of the House of Representatives, on Saturday, the 18th inst., at 10 o'clock, a. m., and the Speaker of the House of Representatives shall be the presiding officer. That one person be appointed teller on the part of the Senate, and two on the part of the House of Representatives, to make a list of the votes as they shall be published and declared. That the Speaker shall open and publish all the returns of votes for Governor and Lieutenant Governor, that may be in his possession. That the result shall be delivered by the tellers to the Speaker of the House of Representatives, who shall announce the state of the vote, and the persons elected, to the two Houses assembled as aforesaid; which shall be deemed a declaration by the Speaker, under the direction of the Legislature, of the persons elected Governor and Lieutenant Governor of the State of Texas, and together with a list of the votes shall be entered on the Journals of the two Houses.

Read, and on motion of Mr. Sadler, adopted.

Mr. Eddy introduced the following resolution :

Resolved, That the committee on the Land Office be instructed to enquire what amount of land claims have been issued by the Board of Land Commissioners for the several counties in this State, since the last session of the Legislature, and returned to the General Land Office: the number and class so issued by the respective Boards, for the information of this House.

Read and adopted.

Mr. Anderson introduced a bill to be entitled an act to enable the legal representatives of those who fell at the taking of the Alamo, to procure the land to which they may be entitled under the law of the late Republic of Texas.

Read a first time.

Mr. Willie introduced a bill to be entitled an act to change the time of holding elections for members to the Congress of the United States, and members of the State Legislature.

Read a first time.

On motion of Mr. Burroughs, the House adjourned to to-morrow morning, 9 o'clock.

House of Representatives,
City of Austin, Dec. 18, 1847.

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names :

Messrs. Speaker, Armstrong, Bourland, Burroughs, Bryan, Caruthers, Crump, Crutcher, Cunningham, Davis of L., Davis of R., Dooley, Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardiman, Haynie, Irion, Keenan, Lamar, Lott, Lyons, Miller of H., Miller of C., Milican, Moseley, McCown, McNeil, Pease, Perry, Potter, Rains, Rayner, Reagan, Railey, Runnels, Sadler, Shannon, Shaw, Sterne, Stoüt, Stoddard, Taylor, Truitt, Walling, Winkler, Wheeler, White, Wilder and Wren.

A quorum present. The journal of the preceding day was read and adopted.

Mr. Bogart presented a document purporting to be election returns from Titus county.

The chair announced that the hour had arrived for counting the votes for Governor and Lieutenant Governor.

On motion of Mr. Keenan, the House took a recess of fifteen minutes.

House met—a quorum present.

A message was received from the Senate through their Secretary, Mr. N. C. Raymond, informing the House that the Senate would meet the House in the Representative Hall, at 10 o'clock to-day, for the purpose of counting the votes for Governor and Lieutenant Governor, in accordance with a resolution reported by a joint committee of both Houses, appointed for that purpose, which resolution the Senate have adopted.

The chair announced a communication received through the Postoffice, addressed to the Speaker of the House of Representatives, endorsed election returns from Harrison county.

Mr. Bourland introduced the following resolution :

“Resolved, by the House of Representatives, That the chief clerk thereof be instructed to purchase a stove for the use of said House, and that the said chief Clerk also employ some suitable person to put said stove up, and the expenses therefor be paid out of the contingent fund of this Legislature.”

Read and adopted.

The Lieutenant Governor and members of the Senate were announced at the bar of the House.

The chair invited His Excellency, the Lieutenant Governor, to a seat on the right of the Speaker, and the Senators, to seats prepared for them.

The houses in joint session proceeded to count the votes for Governor and Lieutenant Governor.

The chair appointed, on the part of House, Messrs. Fields and Rayner, tellers.

For Governor, Mr. Geo. T. Wood, received 7,154 votes.

“	“	“	J. B. Miller,	“	5,106	“
“	“	“	N. H. Darnell,	“	1,276	“
“	“	“	J. J. Robinson,	“	379	“
“	“	“	I. Van Zandt,	“	79	“

For Lieutenant Governor, Mr. John A. Greer rec'd 1,890 votes.

“	“	“	“	E. Waller	“	2,979	“
“	“	“	“	E. H. Tarrant,	“	3,589	“
“	“	“	“	J. A. Haynie	“	327	“

Messrs. Wood and Greer having received a majority of votes, were declared by the Speaker duly elected Governor and Lieutenant Governor of the State of Texas, for the term of two years from the date of their installation.

The Senate returned to their chamber.

Mr. Moseley introduced the following resolution :

Be it resolved, That the Speaker of this House appoint a committee of three, to act in conjunction with a like committee on the part of the Senate, to wait upon His Excellency, the Governor elect, and inform him of his election.

Mr. Potter moved to amend by inserting the words "and Lieutenant Governor" between the words "Governor and elect."

Carried.

Mr. Lyons moved to strike out the word "three" after the word "committee," and insert the word "five."

Lost.

Mr. Burroughs moved to amend by inserting the words—"and ascertain when it will suit their convenience to take the oath of office."

Carried.

The question was then taken and carried on the adoption resolution as amended.

The chair appointed Messrs. Moseley, Keenan and Shannon a committee to wait on their excellencies, the Governor and Lieutenant Governor elect.

Mr. Webb moved the House adjourn until Monday morning, 9 o'clock.

Lost.

On motion of Mr. Willie, the House adjourned until Monday morning, 10 o'clock.

House of Representatives,
Austin, December 20th, 1847.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names :

Messrs. Speaker, Allen, Anderson, Armstrong, Bogart, Bryan, Caruthers, Crump, Cunningham, Davis of R., Davis of L., Dooley, Eddy, Epperson, Fields, Gilliam, Goode, Hardiman,

Haynie, Irion, Keenan, Lamar, Lott, Lyons, Miller of C., Miller of H.: Milican, McCown, Neal, Pease, Perry, Potter, Rayner, Reagan, Robertson, Rodgers, Railey, Runnels, Sadler, Shannon, Shaw, Sterne, Stout, Stoddard, Stuart, Taylor, Truitt, Webb, Walling, Winkler, Wheeler, White, Willie and Wilder.

A quorum present.

The Journal of the preceding day was read and adopted.

Mr. Stout presented the petition of Mordecai Fleming; read, and,

On motion of Mr. Stout,

Referred to the committee on Public Lands.

Mr. Gilliam presented the petition of sundry citizens of Red River county, praying relief for Jacob Dakan.

Read, and referred to the committee on Finance.

Mr. Haynie presented the petition of James Cole, praying for relief, which, Mr. Haynie moved be referred to the committee on Claims and Accounts, without reading.

Lost.

The petition was then read, and

On motion of Mr. Irion,

Referred to the committee on Claims and Accounts.

A message was received from the Senate, informing the House that the Senate had appointed Messrs. Jewett, Grimes and Bourland a committee, to act in conjunction with a like committee on the part of the House, to wait upon the Governor and Lieutenant Governor elect, and inform them of their election: Also, to know at what time it will suit their convenience to be installed into office, and make suitable preparations.

Mr. Shannon presented the petition of John Wilson, contesting the seat of the Hon. H. R. Runnels, with accompanying documents.

Read, and referred to the committee on Privileges and Elections.

Mr. Eddy presented the petition of Starling McGraw.

Read, and referred to the committee on the Judiciary.

Mr. Potter presented the petition of George W. Hockley.

Read, and

On motion of Mr. Potter,

Referred to the committee on Claims and Accounts.

Mr. Potter presented the petition of Wm. M. Hudson.

Read, and referred to the committee on Claims and Accounts.

Mr. Webb, chairman of the committee on Federal Relations, made the following report:

Your committee on Federal Relations, to whom were referred the resolutions relative to "slavery and the Mexican war," of the State of Vermont, beg leave to report that they have examined the same, and recommend the passage of the accompanying preamble and resolutions, responsive thereto.

Read, and laid on the table, to come up among the orders of the day.

Mr. Webb, chairman of the committee on Federal Relations, made the following report:

Your committee, to whom were referred the resolutions adopted by the General Assembly of the State of Virginia, in the month of March in the present year, in relation to a bill appropriating money to prosecute the war, or negotiate peace with Mexico, which had passed the House of Representatives of the Congress of the United States, with the following "Proviso" attached thereto: "Provided, that, as an express and fundamental condition to the acquisition of any territory from the Republic of Mexico by the United States, by virtue of any treaty which may be negotiated between them, and to the use by the Executive of the monies herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall be first duly convicted," have had the same under consideration, and ask leave most respectfully to report—

That they fully concur in the sentiments of the resolutions referred to, as well as for the reasons assigned, as also for the marked and decided character displayed by the Representatives of a free people, asserting the legitimate and equal rights to

which, as a State, they are entitled under the enumerated powers of the General Government. Your committee entertain the belief, that, by the rules of the social compact, independent of the consideration of rights not ceded, such a Proviso as the one known as the "*Wilmot Proviso*" is an open and wanton attack upon the great and essential privileges and rights of the slaveholding States ; that it tends to break down the known barriers between their Constitutions and the Constitution of the United States ; that it is subversive of individual right, and political rule, and destructive of those great blessings, which, as a free people, we have heretofore enjoyed.

Being duly impressed with these opinions, we would most earnestly recommend the passage of the following resolutions."

Read, and laid on the table, to come up among the orders of the day.

Mr. Moseley, chairman of the committee appointed to act in conjunction with a like committee on the part of the Senate, to wait on the Governor and Lieutenant Governor elect, and know of them at what time it will suit their convenience to be installed, reported duty performed, and that the Governor and Lieutenant Governor would meet the two Houses of the Legislature on Tuesday, at 2 o'clock, p. m., for that purpose.

Mr. Sterne introduced the following resolution :

Resolved, That the committee on State Affairs be instructed to enquire into, and report at the present session of the Legislature, some practicable mode of ascertaining and settling the outstanding liabilities of the late Republic of Texas.

Read, and laid on the table, to come up among the orders of the day.

Mr. Lyons introduced the following resolution :

Resolved, That the committee on Roads and Public Highways, "enquire into the expediency of establishing a State Road from some point in Harrison county, on the State Line, (on the most practicable route,) to Laredo, on the Rio Grande, and report to this House.

Read and rejected.

Mr. Epperson introduced the following resolution:

Resolved, That a select committee of five be appointed by the Speaker, to act in conjunction with a like committee appointed from the Senate, to recommend suitable measures for the apportionment of representation in conformity with the 27th Section of the Third Article of the Constitution."

Read and adopted.

Mr. Reagan introduced the following resolution:

Resolved, That the committee on the Land Office be instructed to enquire into the propriety of passing a law to give to each county in this State, its own county surveyor, map and records, and that said committee report at the earliest practicable period.

Read and adopted.

Mr. Stout introduced the following resolution;

Resolved, That a special committee be appointed, composed of one member from each Judicial District, to take into consideration the propriety of the passage of an act to raise a permanent Jury Fund, so as to secure to the Juror pay at the time he renders his service, and that said committee report to this House by bill or otherwise, at as early a day as practicable.

Read and adopted.

Mr. Epperson introduced the following resolution:

Resolved, that the Secretary of State be requested to furnish the House of Representatives with a copy of the census of the various counties of the State, so far as are in his possession, at as early a period as practicable.

Read, and laid on the table, to come up among the orders of the day.

Mr. Potter introduced an act to establish Public Schools in the county of Galveston.

Read a first time.

Mr. Bogart introduced an act establishing more permanently the seat of Justice of Collin county.

Read a first time.

Mr. Walling introduced a joint resolution relative to Tax Assessors.

Read a first time.

Mr. Winkler introduced an act to provide a method of ascertaining what lands have been forfeited to the State.

Read a first time.

Mr. Walling introduced an act to prevent working on Sunday.

Read a first time.

Mr. Burroughs introduced the following resolution :

Resolved, That the Chief Clerk of the House of Representatives be required to send to each of our Senators and Representatives in the United States Congress, one copy of the Texas Democrat, as often as it may be published during the session of the Legislature : also one copy of any document the House may have printed.

Read and adopted.

Mr. Robertson introduced the following resolution :

Resolved; That the Speaker appoint a committee on the part of the House, to act in conjunction with a like committee on the part of the Senate, to make arrangements for the inauguration of the Governor and Lieutenant Governor.

Read and adopted.

The chair appointed Messrs. Robertson, Dooley and Davis of L., said committee.

Mr. Moseley introduced an act to provide for the removal of county seats of justice.

Read a first time.

Mr. Anderson introduced the following resolution.

Resolved, That the committee on Education be instructed to present a plan for educational purposes, and also regulations and rules for such plan as in their judgment may be expedi-

ent; that any system of education under the provision of the constitution shall be general.

On motion of Mr. Stout,
The orders of the day were taken up.

A resolution requesting the Adjutant General to report, &c.
Read a second time, and

On motion of Mr. Willie,
Referred to the committee on Military Affairs.

A Joint Resolution granting further time for the payment of government dues and the return of field notes.

Read a second time, and

On motion of Mr. McNeill referred to the committee on Public Lands.

A bill to change the time of holding elections for members to the Congress of the United States, and members of the State Legislature.

Read a second time, and

On motion of Mr. Stout, referred to the Committee on Privileges and elections.

A bill to enable the representatives of those who fell at the Alamo to get the quantity of land to which they are entitled under the laws of the Republic of Texas.

Read a second time, and

On motion of Mr. Anderson referred to the Judiciary committee.

An act to establish the county seat of Plumb Creek.

Read a second time, and

On motion of Mr. Anderson, referred to the committee on Counties and County boundaries.

A Joint resolution for the relief of Tax Assessors.

Read second time, and

On motion of Mr. Gilliam referred to the committee on Finance.

A Joint resolution authorizing the Commissioner of the General Land Office to have maps made out of the different counties.

Read a second time, and

On motion of Mr. Irion, referred to the Committee on the Land Office.

A bill fixing the time at which the Legislature shall convene.

Read a second time, and

On motion of Mr. Stout referred to the committee on State affairs.

An act requiring head right certificates to be proven up in a certain time.

Read a second time, and,

On motion of Mr. Bogart referred to the committee on Public Lands.

The petition of N. Wade was read, and

On motion of Mr. Sterne,

Referred to the committee on the Judiciary.

The Probate Law was taken up, and

On motion of Mr. Stout,

Read by its caption and referred the Judiciary committee.

On motion of Mr. Bogart,

Mr. McCown was added to the committee on Military Affairs.

On motion of Mr. Allen,

The House adjourned until two o'clock, p. m.

2 o'clock, p. m.

The House met—roll called—and a quorum found present.

The Chair announced two communications addressed to the Speaker marked Thredgill vs. Allen.

Mr. Haynie moved to lay the communication on the table until the 4th day of July next.

Carried.

By leave, Mr. Haynie introduced a bill to locate the county seat of Hays.

Read a first time.

By leave, Mr. Stuart introduced an act to incorporate the Union Marine and Fire Insurance company.

Read a first time.

Mr. Epperson introduced an act prescribing the mode of electing the Commissioner of the General Land Office.

Read a first time.

Mr. Fields introduced a Joint Resolution requesting our Senators and Representatives in Congress to procure the passage of a law to compel the Judge of the District Court of the United States for the District of Texas to reside permanently within his District.

Read a first time.

Mr. Stout introduced an act authorizing the county Court of Red River county, to have the records in books A. B. and C., of Deeds, Mortgages and other Instruments of writing now in the Office of the Clerk of said county transcribed.

Read a first time.

Mr. Keenan moved the House adjourn to-morrow morning 9 o'clock.

Lost.

Mr. Crutcher moved the House adjourn to to-morrow 2 o'clock, p. m.

Carried.

House of Representatives,
City of Austin, Dec. 21, 1847.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names :

Messrs. Speaker, Allen, Anderson, Armstrong, Bourland, Burroughs, Bryan, Caruthers, Crump, Crutchers, Cunningham, Davis of L., Robertson Davis of R., Dooley, Eddy, Edwards, Epperson, Fields, Gillaim, Goode, Hardiman, Haynie, Irion, Keenan, Lamar, Lewis, Lott, Lyons, Miller of C., Miller of H., Milican, McCown, Neal, Perry, Potter, Rains, Rayner, Renfro, Robertson, Railey, Runnels, Sadler, Shannon, Shaw, Sterne,

Stout, Stoddard, Stuart, Taylor, Truitt, Walling, Winkler, Wheeler, and Wren.

A quorum present.

The Journal of the preceding day was read and adopted.

On motion of Mr. Dooley,

Mr. Lewis came forward, presented his credentials, took the oath prescribed by the Constitution, and his seat.

A message was received from his Excellency, the Governor with three several communications in writing, which

On motion of Mr. Lott, were taken up and read in part.

Mr. Bourland moved to dispense with the further reading of the communications.

Carried.

Mr. Taylor presented the following communication from Mr. Wilder.

Austin, Dec. 21, 1847.

To the Hon. Speaker, and

Gentlemen of the House of Representatives:

Intelligence of a most melancholy character has just reached me from Home. Since my separation from my family death has deprived me of my two eldest children, and I have reasons to fear of my youngest also. In my present state of mind, I feel that I can be of no service to my constituents or the House, and that it would be consoling to my distressed family, as well as myself, for us to be together in this, the season of our affliction. My feelings, gentlemen, can easily be appreciated by you all. I therefore, respectfully ask that, under the circumstances of my situation. I may have permission to return home.

I have the honor to be very respectfully, &c., signed

E. M. WILDER.

On motion of Mr. Taylor,

Leave of absence was granted to the Hon. E. M. Wilder.

Mr. Lamar moved the Chief Clerk be allowed a second assistant Clerk.

Carried.

On motion of Mr. Allen,

Mr. Neal was added to the committee on printing.

Mr. Robertson introduced the following preamble and resolution.

Whereas, the people of the State of Texas, have learned that the remains of the gallant and the brave Major Samuel H. Walker will pass through this city in a few days, and as our people are ever desirous to do honor to the memory of so distinguished a soldier,

Be it therefore unanimously Resolved, That a Joint Committee of both Houses of the Legislature be appointed to make suitable arrangements for the reception of the remains of the late Major Samuel H. Walker.

Read and adopted.

Mr. Robertson, Chairman of the committee appointed on the part of the House to act in conjunction with a like committee on the part of the Senate to make arrangements for the installation of Governor and Lt. Governor reported duty performed.

On motion of Mr. Robertson,

The House took a recess for fifteen minutes.

The House met—roll called—and a quorum found present.

The Hon. President *pro tempore* and members of the Senate were announced at the bar of the House. The chair invited the Hon. President *pro tem.* of the Senate to a seat on the right of the Speaker and the Senators to seats prepared for them.

His Excellency, J. P. Henderson, Governor, A. C. Horton, Lt. Governor, George T. Wood, Governor elect, and J. A. Greer, Lt. Governor elect, and the heads of the different Departments of State, were announced at the bar of the House, and invited to seats prepared for them.

His Excellency, J. P. Henderson, then arose and delivered his valedictory to the two Houses of the Legislature.

[This address was delivered extemporaneously, and there being no reporter, a copy could not be procured.]

His Excellency, A. C. Horton then delivered the following valedictory to the Senate:

Gentlemen of the Senate:

My official connection with your body being about to terminate, I embrace the present moment to tender to you the assurance of my high and grateful appreciation of the honor, which, in this relation, I have enjoyed. A relation which, apart from the gratifying consideration of public confidence, implied by its bestowal, has been rendered still more pleasing by uninterrupted courtesy in our intercourse, and the conviction, on my part, that whenever I have erred, I have been judged by you in a spirit of charity and forbearance.

I congratulate you, upon the general prosperity and happiness of our State and nation—forcing upon the minds so vivid a contrast with the distracted condition, and gloomy prospects of other lands; and I confide in the efficiency of your labors, the patriotism of your counsels, and a proper sense of gratefulness to Him, in whose hands is the destinies of nations, to ensure and perpetuate this happy condition.

I leave with you, gentlemen, my warmest wishes for your individual happiness—your Legislative usefulness and honor; and in taking leave, bid you all, individually and collectively, an affectionate farewell.

The Speaker then administered the oath of office to George T. Wood as Governor, and John A. Greer as Lieutenant Governor, for the term of two years from the date of installation.

His Excellency Governor Wood then delivered his inaugural address, in the following words:

*Gentlemen of the Legislature,
and Fellow Citizens:*

The present occasion inspires me with pleasing and greatful emotions. I am deeply affected by the recent manifestation

of the partiality of the people of Texas, in conferring upon me the distinguished office of Governor of the State; and I avail myself of this opportunity to return to them, through their honorable representatives, my most sincere and hearty thanks, with the solemn assurance, that, in the discharge of the high trust so generously confided to me, my highest aim shall be, to merit their continued and abiding esteem.

I will regard the solemn injunctions of the oath, which the Constitution requires me to take, but not more sacredly than I will the moral obligations imposed upon me by a brave and generous people.

Upon this occasion, a full exposition of my views of State policy cannot be expected. At an early day I will recommend to the consideration of the Legislature, as the Constitution requires me to do, such measures as the public interests may seem to require.

To such measures as the Legislature in its wisdom may adopt, to promote the public welfare, I can promise an honest and cordial co-operation.

Gentlemen, I am apprized of the arduousness and responsibility of the duties which will soon devolve upon me; nor am I insensible of my own inexperience and inability. I therefore, feel less hesitancy in requesting of you, in the outset, your aid and reciprocal co-operation. Your patriotism and intelligence, together with your uniform courtesy and kindness, is a sufficient guarantee to me, that in the constitutional discharge of my duties, your valuable assistance will be accorded readily and cordially.

Senators and Representatives! You are, already, actively engaged in the discharge of your important duties. Your constituents, while they have honored you with their preference, have entrusted you with their most sacred interests. I will not reflect upon your integrity, by urging upon you the importance of a zealous advocacy of, and adherence to such measures and principles as will promote their present and future prosperity. I will only indulge the hope, that the present session commenced under such auspicious circumstances, may result in abundant good to our common constituents.

During the administration of my predecessor, the rights of Texas to her territorial limits, as uniformly asserted, have been recognized by the Executive of the United States. The invasion of our soil has been repelled, and hurled back upon

our *vain glorious* foe; and the sword—that alternative long delayed, until forced upon us by Mexico, has successfully done its work of retributive justice upon our obstinate, but *now defeated* enemy.

During the progress of the war, in which the patriotism and valor of the nation, have been most signally displayed; the conduct of Texians, has sustained their high reputation for chivalry, already won on many a hard fought field. They have proved themselves among the *foremost* to march at their country's call.—They have fought in *the front ranks of battle*; and, by their *valor* and numbers, have added *strength to the armies of the Union*, and *fresh laurels* to the martial character of their State!

As the Executive officer of the State, it will be my effort to aid and assist the present administration of the National Government, in its general policy; and, especially in a continued *vigorous prosecution of the war* against our common enemy, as the only proper means of securing a lasting and honorable peace: and, relying upon the support of your honorable bodies, I shall endeavor to sustain, to the utmost, our territorial limits; and guard, with vigilance, the rights of our State, guaranteed by the compact of annexation, and the original compromises of the Federal Constitution.

In conclusion, gentlemen, I would recommend to you, harmony of action. It is an essential element in Legislation. *Guard against local and sectional prejudices.* Let us cultivate friendly and social intercourse with each other; and may one impulse prompt, and one spirit animate us—a *disinterested desire to prove ourselves worthy servants of a deserving people*—so that when our labors are ended and we retire to the peaceful quietude of our homes, we will bear with us the grateful consciousness of having acted well our parts, and the welcome thanks of a generous constituency will attend us.

But, gentlemen, as it is human nature to err, we should not omit, in our councils, to invoke the aid of the Supreme Being, who, while he is the Fountain of Wisdom, is the Gracious Dispenser of National, as well as individual blessings.

The Senate returned to their chamber.

The chair appointed Messrs. Robertson, Allen, Raily, Lewis and McCown, a committee on the part of the House, to

make arrangements for the reception of the remains of Major Samuel H. Walker.

Mr. Anderson presented the petition of a portion of the citizens of DeWitt county, praying relief for William Stein.

Read and referred to committee on the Judiciary.

By leave, Mr. Anderson introduced a joint resolution for the relief of William Stein.

Read first time.

Mr. Cunningham, chairman of the committee on Privileges and Elections, made the following report:

Your committee on Privileges and Elections, to which was referred an act to prescribe the mode of voting in all popular elections, have had the same under consideration, and a majority of said committee have instructed me to report the same back to the House, and recommend its passage.

Read and laid upon the table to come up among the orders of the day.

Mr. Fields, by leave, introduced a bill to be entitled an act for the relief of those persons who may be indebted to the State on account of direct taxes, payable in Texas Treasury Notes.

Read a first time.

Mr. Mosely, by leave, introduced an act to provide for deducting from the salaries of the Judges of the Supreme and District Courts and District Attorneys of this State who may neglect the performance of certain duties assigned them by law.

Read a first time.

Mr. Mosely, by leave, introduced an act prescribing the rules and regulations under which the pardoning power, vested by the Constitution in the Governor, shall be hereafter exercised.

Read a first time.

Mr. Bryan, chairman of the committee on Engrossed Bills, reported that they have examined an act to provide for locating the seat of justice of the county of Austin, and find the same correctly Engrossed.

Mr. Bourland, by leave, introduced the following resolution:

Resolved, That the committee on Contingent Expenses be instructed to enquire into the several probable amounts due to individuals for furnishing stationary, chairs &c., for the present session of the Legislature—also, for repairs of the capitol since the adjournment of the preceding Legislature, and report a bill making an appropriation for the same.

Read and adopted.

On motion of Mr. Haynie, Mr. Irion was added to the committee appointed to make preparations for the reception of the remains of Major Samuel H. Walker.

On motion of Mr. Sterne,

The House adjourned to to-morrow morning, 9 o'clock.

House of Representatives,
City of Austin, Dec. 22d, 1847.

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Allen, Anderson, Armstrong, Bogart, Bourland, Bryan, Caruthers, Crump, Crutcher, Cunningham, Davis of L., Davis of R., Dooley, Eddy, Edwards, Epperson, Gilliam, Goode, Hardiman, Irion, Keenan, Lewis, Lott, Lyons, Miller of C., Miller of H., Millican, Mosely, McCown, Pease, Perry, Rains, Rayner, Renfro, Robertson, Rogers, Railey, Runnels, Sadler, Shannon, Shaw, Stout, Stoddard, Taylor, Truitt, Webb, Walling, Winkler, Wheeler, White and Wren.

A quorum present.

The Journal of the preceding day was read and adopted.

The chair announced the following committees:

Committee on the apportionment of Representation:

Messrs. Epperson, Stuart, Anderson, Rains and Keenan.

Committee on the Jury Fund:

Messrs. Stout, Lewis, Davis of R., Taylor, Wheeler, Bryan, Caruthers and Cunningham.

Mr. Armstrong presented the petition of Nancy Hutchinson.

Read in part.

Mr. Eddy moved to dispense with the further reading of the petition, and that it be referred to a select committee.

Carried.

The Chair appointed Messrs. Eddy, Truitt and Edwards said committee.

Mr. Reagan presented the petition of R. A. Carter.

Read and referred to the committee on Claims and Accounts.

Mr. Keenan presented the petition of sundry citizens of Walker county, praying a removal of the Supreme Court.

Read and referred to the Judiciary committee.

Mr. Keenan presented the petition of sixty subscribers, praying a removal or division of the Supreme Court.

Read and referred to the Judiciary committee.

Mr. Hardiman presented the petition of Jas. P. Wallace.

Read and referred to the committee on Claims and Accounts.

Mr. Pease, chairman of the Judiciary committee, made the following report:

The committee on the Judiciary, to whom was referred an act to regulate the salaries of District Attorneys, have had the same under consideration, and believing that the public interest requires an increase of said salaries, in order to induce competent persons to accept of those offices, they have directed me to report the accompanying bill, and to recommend that it be adopted by the House, as a substitute for the original bill—all of which is respectfully submitted.

Read and laid on the table, to come up among the orders of the day.

Mr. Stuart, chairman of the committee on Finance, made the following report:

The committee on Finance, to which was referred the mes-

sage of his Excellency the Governor, concerning monies received by the State from the United States, with the accompanying documents, have had the same under consideration, and beg leave to report. That the money received from the General Government on account of the Red River Custom House claim, was an indemnity for and in lieu of certain funds, which would have accrued jointly to the Republic of Texas, and to James Bourland, collector of customs under said Republic from goods seized by said Bourland in the discharge of his duty as such officer, and of the possession and benefit of which he was forcibly deprived by citizens of the United States, and the committee are of opinion that said Bourland is jointly entitled to the one half of the nett proceeds of said indemnity.

The funds received in the discharge of the claim for the disarming of a portion of Col. Sniveley's command, in 1843, were rendered upon an appraisement of the arms actually taken—no mode has been presented or occurred to the committee by which to identify the various prices of property appraised, with the different owners, and they are compelled to recommend as the most equitable plan which they can devise for the distribution of the fund, that it shall be in accordance with the plan described in the form of a Joint Resolution herewith presented, divided equally among the men composing the party disarmed.

The committee are of opinion that the whole amount of money received from the U. S. should be taxed with the expense of collecting and transportation, and the balance disposed of on the plan proposed in the preceding part of this report. In accordance with these views the committee submit the bill, which accompanies this report.

Read and laid on the table, to come up among the orders of the day,

Mr. Webb, chairman of the committee on Federal Relations, made the following report:

Your committee, to whom was referred the resolution of Mr. Miller, of H., instructing the committee on Federal Relations to draft suitable resolutions requesting our Representatives, and instructing our Senators in Congress, to procure the

passage of a law to pay the volunteers of Texas who turned out under the call of Col. S. R. Curtis, have had the same under consideration, and beg leave to report, that they are of opinion, that the object of Mr. Miller's resolution would be more easily effected by memorializing the Congress of the United States, and they therefore recommend the passage of the following joint memorial and Resolution.

Read and laid on the table, to come up among the orders of the day.

Mr. Cunningham, chairman of the committee on Privileges and Elections, made the following report:

The committee on Privileges and Elections, to whom was referred a communication from James Power, protesting against the right of the Hon. B. F. Neal, to a seat in the Legislature of the State, with accompanying documents, have had the same under consideration, and beg to report. That it does not appear from the said protest and documents, that the Hon. B. F. Neal has been improperly returned as the member of the Legislature elect from the county of Refugio. And your committee would further report, that if the certificate of election had been improperly given to the present member from Refugio, the petitioner has not legally or constitutionally contested his election. Therefore, your committee recommend the indefinite postponement of the whole matter.

Read and adopted.

Mr. Cunningham, chairman of the committee on Privileges and Elections, made the following report:

The committee on Privileges and Elections, to whom was referred the petition of John Wilson, contesting the election of the Hon. H. R. Runnels to the Legislature of the State, with the accompanying documents, have had the same under consideration, and beg leave to report—that the said John Wilson has failed to produce sufficient legal testimony to support his

claim, as alleged in his petition, therefore recommend the passage of the following resolution :

Resolved, That the Hon. H. R. Runnels is entitled to his seat in this House, as a Representative from Bowie county.

Read and adopted.

—

Mr. Webb, chairman of the committee on Federal Relations, to whom was referred the Joint Preamble and Resolutions of the Rhode Island and Providence Plantations, relative to "slavery and the Mexican war," reported a Joint Preamble and Resolutions responsive thereto, and recommended their passage.

Mr. Burroughs moved to strike out the word "alone" after the words "Tariff protection."

Carried.

Mr. Cunningham moved the resolutions lay on the table.

The yeas and nays were called and stood as follows :

Yeas—Messrs. Speaker, Allen, Anderson, Armstrong, Bourland, Bryan, Caruthers, Crutcher, Cunningham, Davis of L., Eddy, Edwards, Epperson, Gilliam, Goode, Haynie, Keenan, Lott, Lyons, Miller of C., Milican, Pease, Perry, Rayner, Sadler, Shannon, Shaw, Stuart, Taylor, Truitt, Walling, and Wren—33.

Nays—Messrs. Bogart, Burroughs, Crump, Davis of R., Dooley, Fields, Hardiman, Irion, Lamar, Miller of H., Moseley, McCown, McNeill, Renfro, Reagan, Robertson, Rodgers, Raleigh, Runnels, Sterne, Stout, Stoddard, Webb, Winkler, Wheeler and White—26.

Carried.

Mr. Bryan, chairman of the committee on Engrossed Bills, reported that they have examined a joint resolution, donating certain public property to the Methodist church, and find the same correctly engrossed.

Read and adopted.

Mr. Moseley introduced an act to authorize the Judges of the District Courts to hold special terms.

Read a first time.

Mr. Stuart introduced a joint resolution for the relief of John S. McNary.

Read a first time.

Mr. Armstrong introduced an act to amend an act regulating juries, approved 4th May, 1846.

Read a first time.

Mr. Armstrong introduced an act to amend an act to raise a revenue by direct taxation.

Read a first time.

Mr. Taylor introduced an act to organize the county of Upshur.

Read a first time.

Mr. Stout introduced the following resolution :

Resolved, That the committee on Public Lands, inquire into the expediency of the passage of an act authorizing the Commissioner of the General Land Office to issue patents on all correct field notes of surveys made within the bounds of what is generally known as the Mercer's Colony, and that they report, by bill or otherwise, to this House, at as early a day as practicable.

Read and adopted.

Mr. Webb introduced a bill to be entitled an act to amend the 1st, 2d and 4th sections of an act to regulate the license and practice of attorneys and counsellors at law, approved 12th May, 1846.

Read a first time.

Mr. Anderson introduced the following resolution :

Resolved, That a select committee of five be appointed by the Speaker, whose duty it shall be to inquire into the necessity of employing a reporter to report the decisions of the Supreme Court of the late Republic of Texas, and also that of the State

Texas, and the amount of money necessary to effect this object.

Read and rejected.

Mr. Edwards introduced a bill to be entitled an act to provide for raising a jury fund.

Read a first time.

A message was received from the Senate informing the House, that the Senate had appointed Messrs. Burleson, Phillips and Dancy a committee to act in conjunction with a like committee on the part of the House, to make suitable arrangements for the reception of the remains of the late Major S. H. Walker.

Mr. Anderson introduced the following resolution :

Resolved, That the committee on the Penitentiary be instructed to present a plan for the erection of a State Penitentiary, together with a joint resolution, regulating, organizing and conducting the same, and such other objects as they may deem proper for the purpose of effecting the measures proposed.

Read and adopted.

On motion of Mr. Stout the orders of the day were taken up.

A bill to be entitled an act for the relief of certain persons, &c.

Read a second time, and

On motion of Mr. Fields, ordered to be engrossed.

A bill regulating the pardoning power.

Read a second time, and

On motion of Mr. Sadler, referred to the Judiciary committee.

An act to provide for deducting from the salaries of Judges and District Attorneys for a neglect of duty.

Read a second time, and

On motion of Mr. Moseley, referred to the Judiciary committee.

An act for the benefit of Wm. Stein.

Read a second time, and

On motion of Mr. Anderson, ordered to be engrossed.

An act to prescribe the mode of voting in, all popular elections.

Read a second time, and

On motion of Mr. Stout, ordered to be engrossed.

An act to provide for locating the seat of justice of Austin county.

Read a third time and passed.

A joint resolution responsive to the Virginia resolutions.

Read a first time.

An act to incorporate the Union Marine and Fire Insurance Company.

Read a second time, and referred to the Judiciary committee.

An act to create the county of Hays.

Read second time, and

On motion of Mr. Haynie, referred to the committee on County Boundaries.

An act prescribing the mode of electing the Commissioner of the General Land Office.

Read a second time, and

On motion of Mr. Anderson, referred to the committee on the Land Office.

An act authorizing the county court of Red River county to have certain books transcribed.

Read a second time, and

On motion of Mr. Epperson, ordered to be engrossed.

On motion of Mr. Webb, the House adjourned to 2 o'clock, p. m.

2 o'clock, p. m.

The House met—roll called, and a quorum found present.

The orders of the day were again taken up.

An act to ascertain what lands have been forfeited to the State :

Read a second time, and

On motion of Mr. Winkler, referred to the Judiciary committee.

An act to provide for the removal of county seats of justice :

Read a second time, and

On motion of Mr. Fields, indefinitely postponed.

A message was received from the Senate, informing the House that they had passed a joint resolution repealing a joint resolution granting further time for the payment of government dues, and the return of field notes.

A joint resolution to prevent working on Sunday :

Read a second time, and

On motion of Mr. Gilliam, referred to the committee on State Affairs.

A joint resolution relative to Assessors :

Read a second time, and

On motion of Mr. Walling, referred to the Finance committee.

An act to establish more permanently the seat of justice of Collin county :

Read a second time, and

On motion of Mr. Bogart, ordered to be engrossed.

Mr. Allen moved the House go into the election of 2d Ass't Clerk.

Carried.

Mr. McNeill nominated Mr. Rector.

" Runnels " " M'Lellan.

" Davis, of R. " " Tarver.

The chair appointed Messrs. Rayner and Runnels, Tellers.

Whereupon, Mr. Rector received 29 votes.

" M'Lellan " 18 "

" Tarver " 13 "

Neither candidate having received a majority of the votes, the House proceeded to a second ballot.

Whereupon, Mr. Rector received 35 votes.

" M'Lellan " 18 "

" Tarver " 8 "

Mr. Rector having received a majority of all the votes, was

declared duly elected 2d Ass't Clerk of the House of Representatives.

An act to establish Public Schools in the county of Galveston :

Read a second time.

Mr. Stuart moved to amend by inserting "County Court" in lieu of "County Commissioners," wherever the words occur in the bill.

Carried ; and

On motion of Mr. Stuart, the bill was ordered to be engrossed.

A committee from the Senate, consisting of Senators Wallace, Cuney and McRae, respectfully requesting the House of Representatives to transmit to the Senate as early as convenient, all the unfinished business originating in the Senate at the last session of the Legislature, and now in possession of the House.

Mr. N. S. Rector came forward and took the oath as 2d Assistant Clerk.

A resolution calling on the Secretary of State for information :

Read, and

On motion of Mr. Epperson, laid on the table.

A joint resolution requiring the District Judge of the United States for the District of Texas to reside in his District :

Read a second time.

Mr. Webb moved to insert the words "the Legislature of the State of Texas."

Carried.

On motion of Mr. Stout, the resolution was referred to the Judiciary committee.

A resolution relative to the outstanding liabilities of Texas :

Read.

Mr. Robertson offered the following as a substitute :

Resolved, That the Speaker appoint a committee of five members, for the purpose of ascertaining, as far as practicable, the amount of the public debt, and that said committee be instructed to report to this House some plan for the liquidation of the same, at as early a day as practicable.

Read and adopted.

The chair announced three several communications on the Speaker's table, addressed to the Speaker of the House of Representatives, which,

On motion of Mr. Rayner, were laid on the table.

On motion of Mr. McNeill, Mr. Reagan was added to the committee on the Land Office.

On motion of Mr. Rayner, Mr. Bryan was added to the committee on the Penitentiary.

By leave, Mr. Miller of H. introduced the following resolution :

Resolved, That the Speaker appoint a committee of five to examine the Digest of the Laws of Texas, by Mr. Hutchinson, referred to in the communication of His Excellency the Governor, on yesterday, and report to this House its quality, order, value, &c.

Read and adopted.

By leave, Mr. Lott presented a petition from the citizens of Henderson county.

Read, and referred to the committee on County Boundaries.

By leave, Mr. Armstrong introduced an act respecting the fees of Sheriffs, Constables, &c.

Read a first time.

By leave, Mr. Armstrong introduced an act respecting brands in certain districts.

Read a first time.

On motion of Mr. Edwards, the House adjourned until tomorrow morning, 9 o'clock.

House of Representatives,
Austin, December 23, 1847.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names :

Messrs. Speaker, Bogart, Bourland, Caruthers, Crump, Crutcher, Cunningham, Davis of L., Dooley, Edwards, Ep-
person, Fields, Goode, Hardiman, Haynie, Irion, Keenan, La-
mar, Lott, Lyons, Miller of C., Milican, Moseley, McCown,
Perry, Potter, Rains, Rayner, Benfro, Reagan, Robertson, Rai-
ley, Sadler, Shaw, Sterne, Stout, Stoddard, Stuart, Taylor,
Truitt, Webb, Walling, Winkler, Wheeler, White, and Wren.

A quorum present.

Mr. Rayner moved to dispense with the reading of the Jour-
nals for the present.

Carried.

Mr. Haynie presented the petition of Leander Brown.

Read and referred to the committee on Public Lands.

Mr. Winkler presented a communication from S. L. B. Jas-
per, contesting the seat of the Hon. Wm. T. Sadler.

Read, and referred to the committee on Privileges and Elec-
tions.

Additional communications from said Jasper were present-
ed by Mr. McNeill, Mr. Caruthers, and others.

Mr. Taylor moved to lay them on the table.

Lost.

Question on referring them to the committee on Privileges
and Elections, was taken and carried.

Mr. Anderson introduced an act giving to the owners of San
Jacinto claims the right to convey the same in fee simple.

Read first time.

Mr. Haynie introduced a resolution referring that part of the
Governor's message relating to the erection of a fire proof
building for the use of the General Land Office, to the com-

mittee on the Land Office, with instructions to report by bill or otherwise.

Read and adopted.

Mr. Goode introduced a resolution requiring the Judiciary committee to enquire into the necessity of empowering and requiring the District Attorney and the Attorney General to represent the State in certain cases.

Mr. Stout introduced a resolution instructing the Judiciary committee to enquire into the propriety of repealing the 4th section of an act defining the duties of District Attorneys, approved 13th May, 1846 : also the 4th section of an act defining the duties of the Attorney General, approved the 11th May, 1846, and that they report the same to the House.

Mr. Epperson introduced a resolution to instruct the committee on Education to enquire into the expediency of amending the 3d section of the 10th article of the Constitution.

Lost.

Mr. Robertson introduced an act concerning slaves.

Read first time.

Mr. Goode introduced a bill to be entitled an act supplementary to an act to create and organize the county of Panola.

Read a first time.

Mr. Allen introduced an act to create a Board of Medical Censors for the State of Texas.

Read a first time.

Mr. Bryan introduced an act for the establishment of Free Public Schools.

Read a first time.

Mr. Crump, chairman of the committee on Military Affairs, made the following report :

The committee on Military Affairs, to whom was referred the joint resolution requiring the Adjutant General to report the services rendered by John McGarrah, Lieutenant of the Ranging Corps of Fannin county, during the year 1845, have had the same under consideration, and beg leave to report :

Your nommittee deem it unnecessary to pass a joint resolution when the onject may be more easily obtained by a simple one, therefore your committee recommend the passage of the following resolution, instead of the joint resolution :

Resolved, that the Adjutant General be requested to report to the House of Representatives, the sevice rendered to the Republic of Texas by Lieut. John McGarrah, of the Ranging Corps of Fannin county, during the year 1845, and also the amount of money due said company.

Mr. Potter introduced an act to define the limits of the jurisdiction of Justices Courts, within incorporated towns and cities.

Read a first time,

Mr. Neal introduced a resolution requiring the Chief Clerk to provide a suitable seat for the reporter of the "Texas Democrat."

Read and adopted.

Mr. Pease, chairman of the committee on the Judiciary, made the following report in relation to the petition of Nathan Wade :

That it is the true policy of this State to guard against any increase of the free colored population. The majority of said committee have directed me to return the petition to the House, and ask that the committee be discharged from its further consideration : and that the petitioner have leave to withdraw his petition.

The said committee have also had under consideration the petition of Sterling McGraw praying for leave to emancipate certain slaves, which they have also directed me to return to the House, with a like request. All of which is respectfully submitted.

Read and adopted.

Mr. Pease, chairman of the committee on the Judiciary, also reported on the petition of Wm. J. S. Carter and Martha Ann Carter, praying that the name of John Russel Butler may be changed to John Russel Carter, and that the said William J. S. Carter may adopt the said John Russel Butler as his son, and one of his heir-at-law ; have had the same under consideration,

and a majority of said committee, not perceiving any objection to the prayer of the petitioners, have desired me to report the accompanying bill, entitled an act authorizing William J. S. Carter to adopt John Russel Butler as his son. All of which is respectfully submitted.

Mr. Haynie introduced a bill to provide an appropriation for the payment of the mileage and per diem pay of the members of the Legislature of the State of Texas.

Read a first time.

Mr. Crump moved a suspension of the rule, and that the bill be read a second time.

Lost.

Mr. Mosely introduced a resolution to instruct the committee on the Judiciary to take into consideration the act to regulate proceedings in the District Courts, and report such amendments, additions and alterations, as they may deem expedient.

Read and adopted.

Mr. Webb moved a reconsideration of the vote on a bill to provide for the removal of county seats of Justice.

Carried.

Mr. Stout moved its reference to the committee on County Boundaries.

Carried.

Mr. Anderson moved to take up the orders of the day.

Carried.

A joint resolution from the Senate to repeal the Joint Resolution granting further time for the payment of government dues and return of field notes,

Read a first time.

A Joint Resolution donating certain public property to the Methodist Church at Austin.

On its final passage.

Mr. Haynie moved its indefinite postponement.

Carried.

On motion,

The Journal of the preceding day was taken up, read and adopted.

Mr. Stout moved a call of the House.

Quorum present.

Mr. Pease, Chairman of the committee on the Judiciary made the following report on a bill to enable the legal representatives of those who fell at the taking of the Alamo to procure the land to which they may be entitled under the laws of the late Republic.

The committee are advised that such a law is necessary on account of the great difficulty in making the proof now required to obtain the headright certificates of those persons who fell in battle during the first year of our revolution, many of whom were unknown in the country except to their associates who fell with them, consequently it is some cases to make the proof by oral testimony as now required. Your committee have therefore proposed a bill more general in its operation—entitled an act prescribing the proof necessary for the heirs or legal representatives of those who fell under the command of Fannin, Travis, Grant and Johnson to obtain their headright certificates, which they recommend may be adopted as a substitute for the original bill.

Mr. Pease, Chairman of the committee on the Judiciary also reported on the petition of certain citizens of the county of DeWitt praying that William Stein, a minor, may be emancipated and authorized to transact his own business in like manner as if he was of age.

That they have considered the same, and a majority of said committee, perceiving no objection to the prayer of the petitioners recommend that the same be granted.

On motion of Mr. Allen, the House adjourned to 2 o'clock, p. m.

2 o'clock, p. m.

The House met—roll called—

A quorum present.

The Chair announced, in accordance with a resolution of the House, Messrs. Robertson, Stout, Lewis, Burroughs and Crump a committee to enquire into and ascertain the amount of outstanding liabilities of the late Republic of Texas.

On motion of Mr. Allen,

Mr. Neal was added to the committee on Printing.

On motion of Mr. Pease,

Mr. Dooley was added to the Judiciary committee.

On motion of Mr. Goode,

Mr. Cunningham was added to the Judiciary committee.

The orders of the day were again taken up.

A bill to be entitled an act to raise a Jury fund.

Read a second time, and

On motion of Mr. Edwards, referred to the select committee on the Jury fund,

A bill to be entitled an act to amend an act to raise a revenue by direct taxation.

Read a second time, and

On motion of Mr. Eddy, referred to the committee on Finance.

A bill to be entitled an act regulating Juries.

Read a second time.

Mr. Armstrong moved to refer the bill to the committee on Finance.

Lost.

Mr. Gilliam moved to refer the bill to the select committee on the Jury Fund.

Carried.

A bill to be entitled an act to provide for the distribution of the funds received from the United States.

Read a first time.

A bill to be entitled an act to authorize Judges of the District Courts to hold special terms.

Read a second time, and

On motion of Mr. Moseley referred to the committee on the Judiciary.

A bill to be entitled an act supplementary to an act to organize the county of Upshur.

Read a second time, and referred to the committee on county boundaries.

Joint Resolution for the relief of John S. McNary.

Read a second time.

Mr. Stuart moved the resolution be engrossed.

Lost.

Mr. Moseley moved a reconsideration of the vote just taken.

Carried.

And on motion of Mr. Winkler the resolution was referred to the committee on Public Lands.

A bill to be entitled an act to regulate the salaries of District Attorneys.

Read a second time.

Mr. Allen moved the bill be engrossed.

Mr. Willie moved to amend the bill by striking out "500" and inserting "600."

A division of the question was called for.

The question on Mr. Willie's motion first to strike out was taken and lost.

Mr. Burroughs moved to strike out "500" and insert "300."

Lost.

Mr. Reagan moved to strike out "500 and insert "400."

Lost.

Mr. Stout moved to strike out "500" and insert "450."

Lost.

Mr. Anderson moved the previous question be put.

The yeas and nays being called for on the previous question stood,

Yeas—Messrs. Speaker, Allen, Anderson, Armstrong, Bourland, Bryan, Caruthers, Crump, Crutcher, Cunningham, Davis of L., Davis of R., Dooley, Epperson, Fields, Gilliam, Goode, Haynie, Irion, Keenan, Lewis, Lott, Miller of C., Miller of H., Moseley, McNeil, Neal, Pease, Perry, Potter, Rayner, Robertson, Sadler, Sterne, Stoddard, Stuart, Taylor, Truitt, Webb, Winkler and Willie—41.

Nays—Messrs. Bogart, Burroughs, Eddy, Edwards, Hardiman, Milican, Rains, Reagan, Rogers, Runnels, Shannon, Shaw, Stout, Walling, Wheeler, White and Wren—17.

Carried.

The main question was then taken—the yeas and nays being called for stood,

Yeas—Messrs. Speaker, Allen, Anderson, Armstrong, Bogart, Bourland, Bryan, Caruthers, Crump, Crutcher, Cunningham, Davis of Liberty, Davis of Robertson, Dooley, Epperson, Fields, Gilliam, Goode, Haynie, Irion, Keenan, Lewis, Miller of Colorado, Miller of Houston, Mosely, McNeill, Neal, Pease, Perry, Potter, Rayner, Robertson, Sadler, Sterne, Stoddard, Stuart, Taylor, Truitt, Webb, Winkler and Willie—40.

Nays—Messrs. Bogart, Burroughs, Eddy, Edwards, Hardiman, Lott, Milican, Rains, Reagan, Rogers, Runnels, Shannon, Shaw, Stout, Walling, Wheeler, White and Wren—18.

Carried.

A bill to be entitled an act to amend an act to regulate the license and practice of Attorneys.

Read a second time, and,

On motion of Mr. Moseley, referred to the Judiciary committee.

A Joint Preamble and resolutions responsive to the Preamble and Resolutions passed by the General Assembly of the State of Vermont.

Read a second time.

Mr. Anderson moved the Preamble and Resolutions be engrossed.

Mr. Epperson moved that they lie on the table until the first of January.

Mr. Haynie moved to insert the word “be” after “Senators” and the words “Representatives requested” after the word “instructed.”

Mr. Willie moved to lay the amendments on the table.

Carried.

Mr. Epperson offered a substitute for the Preamble and Resolutions.

Mr. Reagan moved to lay the substitute on the table.

Mr. Allen moved the previous question be taken.

Carried.

The main question was then taken.

The yeas and nays being called stood,

Yeas—Messrs. Speaker, Allen, Anderson, Armstrong, Bogart, Bourland, Burroughs, Caruthers, Crump, Crutcher, Davis of L., Davis of R., Dooley, Eddy, Edwards, Fields, Gilliam, Goode, Hardiman, Haynie, Irion, Keenan, Lewis, Lott, Lyons, Miller of C., Miller of H., Millican, Moseley, McCown, McNeill, Neal, Pease, Perry, Potter, Rains, Rayner, Renfro, Reagan, Robertson, Rogers, Runnels, Sadler, Shannon, Shaw, Sterne, Stout, Stoddard, Stuart, Taylor, Truitt, Webb, Walling, Winkler, Wheeler, White, Willie and Wren—58.

Nays—Messrs. Bryan, Cunningham and Epperson—3.

Carried.

Joint Resolutions responsive to the Preamble and Resolutions passed by the General Assembly of Virginia.

Read a second time, and,

On motion of Mr. Irion ordered to be engrossed.

By leave Mr. Crutcher introduced the following resolution.

Resolved, That the committee on Printing be instructed to contract for the printing of sixty five copies of the Joint Resolutions responsive to the resolutions of the Legislature of Vermont for the use of the House.

Read.

Mr. Webb moved to amend by inserting. "That 150 copies, each of the Joint Preamble and Resolutions of the Legislature of the State of Texas responsive to the Joint Preamble and Resolutions of the States of Virginia, Rhode Island and Vermont." ✓

Carried.

The yeas and nays being called for on the adoption of the Resolution, stood.

Yeas—Messrs. Speaker, Anderson, Bogart, Bryan, Crutcher, Davis of R., Dooley, Gilliam, Goode, Hardiman, Haynie, Irion, Keenan, Lewis, Lott, Miller of C., Millican, Moseley, Neal, Perry, Reagan, Rogers, Shannon, Sterne, Stout, Stoddard, Taylor, Webb, Walling, Winkler, White, Willie and Wren—33.

Nays—Messrs. Allen, Armstrong, Caruthers, Crump, Cunningham, Davis of L., Eddy, Edwards, Epperson, Fields, Ly-

ons, Miller of H. McCown, McNeill, Pease, Potter, Rains, Bayner, Renfro, Robertson, Runnels, Sadler, Shaw, Stuart, Truitt and Wheeler—26.

Carried.

Leave of absence was granted the Hon. Thomas, J. Hardiman until Monday next.

By leave, Mr. Lott presented the petition of sundry citizens of Henderson county.

Read and referred to the committee on County Boundaries.

A bill to be entitled an act respecting certain fees of Sheriffs, Constables, &c.

Read a second time, and,

On motion of Mr. Miller of H., referred to the Judiciary Committee.

A bill to be entitled an act respecting brands in certain districts.

Read second time.

Mr. Field moved to refer to a select committee.

Carried.

The chair appointed Messrs. Fields, Eddy and Armstrong said committee.

On motion of Mr. Bourland,

The joint memorial and resolutions of the Legislature of the State of Texas, to the Congress of the United States, were taken up, and referred to the committee on Federal Relations.

Mr. Willie moved a reconsideration of the vote on the resolution to have one hundred and fifty copies of the various preambles and resolutions, responsive, &c., printed.

Carried.

Mr. Pease moved to lay the motion on the table.

Carried.

Mr. Haynie moved to adjourn until Tuesday morning, 10 o'clock.

Lost.

Mr. Neal moved that the House adjourn until Tuesday, 9 o'clock.

Lost.

Mr. Willie moved to adjourn until Monday, 10 o'clock.

Lost.

On motion of Mr. Moseley,

The House adjourned to to-morrow morning, 9 o'clock.

House of Representatives,
City of Austin, Dec. 24th, 1847.

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Caruthers, Crump, Crutcher, Cunningham, Davis of L., Davis of Robertson, Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Haynie, Irion, Keenan, Lott, Lyons, Miller of C., Miller of H., Millican, Moseley, McCown, Neal, Perry, Potter, Rains, Rayner, Renfro, Reagan, Robertson, Railey, Runnels, Sadler, Shannon, Shaw, Sterne, Stoddard, Stuart, Taylor, Truitt, Webb, Walling, Winkler, Wilder, White and Wren.

A quorum present.

The Journal of the preceding day was read and adopted.

Mr. Haynie moved a reconsideration of the vote adopting the journal on yesterday.

Carried.

Mr. Haynie moved to strike out "Hardiman" and insert "Keenan" as presenting the petition of sixty subscribers, praying the removal or division of the Supreme court.

Carried.

The question was then taken and carried on the adoption of the journal of yesterday, as amended.

Mr. Epperson moved to have the preamble and resolutions introduced by himself on the 23d inst., as a substitute for the preamble and resolutions, responsive to the preamble and resolutions passed by the General Assembly of the State of Vermont, spread on the journal.

Carried.

Joint Preamble and Resolutions of the State of Texas.

Whereas, in our judgment, the annexation of Texas to the United States was the primary cause of the existing Mexi-

can war; and whereas, the army of Mexico entered the territory of the United States, acquired by the annexation of Texas, which justly, properly and legitimately was included within the defined limits of the late Republic of Texas; and whereas, prior to annexation, repeated injuries and insults were offered to the people and the government of the United States—the property of private citizens of the United States was seized and either confiscated or appropriated to the private benefit of Mexican officers, in violation of all justice and national law—that Mexico, although she promised, has never made any reparation for these repeated insults; and whereas, in our judgment, there were sufficient causes to have justified the United States in declaring war against that power long since—and whereas, in addition to these, our minister and flag were insulted—and whereas, national honor ought to be maintained at every hazard—it is the moral elixir of our national existence, the verdure of our republican institutions, forbearance ceased to be a virtue—and whereas, it is a fundamental principle of our Republican Government, that all the territory acquired by the United States is the common property of the States composing the Union, in which each and all have equal rights—and whereas, the institution of slavery is secured to us by the Constitution of the United States, and every principle of justice; and whereas, every State has the exclusive power of deciding itself, without any intervention whatever, whether slavery shall exist or not within its limits, Therefore,

Be it resolved by the Legislature of the State of Texas, 1st. That the President has done every thing consistent with the honor of a free and generous people, to bring about a peace with Mexico, alike honorable to both nations.

2d. That Mexico having rejected repeated overtures for peace, the war should be prosecuted with the utmost vigor and energy.

3dly. That the purposes for which our Government is waging war with Mexico should be declared by our government, and our demands made known to Mexico, that nothing is demanded but what is right, and that our determination is to wage a war of extermination, unless these demands are complied with on her part.

Be it further resolved, That we deny the right of the Con-

gress of the United States to pass any law prohibiting States that may hereafter be admitted into the Union from coming into the same with or without slavery, as the popular voice of that State may determine, and that we will maintain this principle at every hazard.

That our Senators and Representatives in Congress be requested to use all just and constitutional means to avert the evil of abolition fanaticism, and to resist every encroachment upon the rights and interests of the slave holding States.

That his Excellency the Governor, be requested to forward a copy of this Preamble and of these Resolutions, to the Governors of each State in the Union, and to our Senators and Representatives in Congress, under the seal of the State.

Mr. Bourland, by leave, introduced a resolution requesting the mail contractors from the city of Austin to the town of Bonham, to have the mail transported weekly, instead of semi monthly, over said route.

Read a first time.

Mr. Bourland moved to suspend the rule.

Carried.

Read a second time, and

On motion of Mr. Gilliam,

Ordered to be engrossed.

Mr. Stout moved a further suspension of the rule.

Carried.

Read a third time and passed.

Mr. Davis of L., presented a petition from the citizens of Polk county.

Read and referred to the committee on County Boundaries.

Mr. Armstrong presented the petition of W. Harris.

Read and referred to the committee on Public Lands.

Mr. Anderson, chairman of the committee on Public Lands, made the following report:

The committee on Public Lands, to whom was referred a simple resolution, instructing said committee to enquire into the propriety of passing a law specifying the time at which the issuance of land certificates shall cease; have had the same under consideration, and ask leave most respectfully to report:

That from the importance attached to the object of the resolution referred to, they have weighed the subject with regard to its operation, not only upon the interest of each individual, whose rights are to be effected by any provision which the Legislature may deem expedient to adopt, and being deeply sensible of the necessity of fixing a period of limitation to the issuance of certificates of whatsoever class or character, and also, from the existing circumstances of the country of making some change in the method heretofore pointed out by the laws, for the procuring of certificates, have thought proper to present the accompanying bills, and earnestly recommend their passage.

Read and laid on the table, to come up among the orders of the day.

Mr. Anderson, chairman of the committee on Public Lands, also reported:

Your committee, to whom was referred a bill to be entitled an act to require all head right certificates to be proven up in a given period, and for the return of field notes of survey to General Land Office; have had the same under consideration, and ask leave most respectfully to report: That by a previous report of this committee, the first portion of the bill was fully acted upon in the opinion of the committee, and inasmuch as it is thought advisable to report upon the latter portion of the bill, have instructed me to report favorably, and recommend the accompanying bill as a substitute.

Read and laid on the table, to come up among the orders of the day.

Mr. Miller of H., introduced the following resolution:

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of revising and amending an act entitled an act to organize Justices Courts, and to define the powers and jurisdiction of the same, and report by bill or otherwise.

Read and adopted.

Mr. Shaw introduced a resolution requiring the Governor to reside at the seat of government.

Read a first time.

Mr. Eddy introduced a bill to amend an act to raise a revenue by direct taxation.

Read a first time.

Mr. Armstrong introduced a bill to be entitled an act concerning witnesses fees.

Read a first time.

Mr. Armstrong introduced a bill to be entitled an act creating certain penalties.

Read a first time.

Mr. Anderson introduced a bill to incorporate and establish the Guadalupe College.

Read a first time by its caption.

Mr. Runnels introduced the following resolution:

Resolved, That the committee on Finance be required to take into consideration the propriety of so amending the present revenue laws of this State as to give the right to the County Courts of each county of assessing the value of all property taxable by the present revenue laws of this State—the Legislature fixing a maximum and minimum value upon all real estate.

Read and adopted.

Mr. Neal introduced the following resolution:

Resolved, That sixty-five copies of the report of the Commissioner of the General Land Office be, and is hereby ordered to be printed for the use of the House.

Read.

Mr. Stuart moved to strike out "sixty-five" and insert "five hundred."

Carried.

The question on the adoption of the resolution was then taken and

Carried.

GENERAL LAND OFFICE,
State of Texas, December, 1847.

His Excellency, the Governor,

J. PINCKNEY HENDERSON,

and the Honorable Legislature :

Gentlemen:—In accordance with the usages of the country, I herewith submit for your consideration a report containing a few remarks upon the Land System; the Commissioner believing it unnecessary to enter into very lengthy details in this report, inasmuch as he has heretofore in his reports pointed out most of the principal defects of the system, and at a time when it might have been good policy to have remedied such defects; but at this time, the Commissioner of the General Land Office would not advise much change, as the citizens of the country have learned its details. Whereas a very material change in our Land System would at this time cause much error and great confusion, without producing an adequate benefit, having progressed so far with the present, although bad system, as to make any extensive alteration almost impossible, which would harmonize with the present interests of the people, wherefore, the Commissioner will confine himself to merely such points as require amendment, together with an expose of the business done in the General Land Office since the adjournment of the last Legislature.

The first and most important subject is the necessity of procuring a suitable building for the archives of the General Land Office. The building at present in use, is very much dilapidated, and being constructed of the most inflammable material of wood, is not a safe receptacle of such valuable records to the citizens of the country of all classes. The present office is not only dangerous from the inflammable material of which it is constructed, but is rendered more unsafe by adjoining houses, built of like material, owned by private individuals, who rent their property for the largest price, regardless of the great liability there is to fire by the occupancy of the houses by transient persons; and such is the dilapidated state of the buildings adjoining the General Land Office, that none will rent them but transient persons; if even the buildings were of a good class, but of the same kind of material, the archives are yet unsafe, as the history of this place for the last few years will prove; the best and

finest of the buildings have been destroyed by fire and by accident; wherefore I have no doubt that the Legislature will see the importance as I do, of procuring a suitable fire-proof building for the records of the General Land Office. Should the present building be burnt as other buildings have been in the city of Austin, it would then be too late to recommend or provide. The cost of a good brick building, with stone or brick floors, slate roof and iron window frames and shutters would not be more than \$15,000.

With a view to the sale of the public domain, it becomes necessary to close, at an early day, the location of the claims derived under the present and prior laws of this country. It is well known that a large surplus domain will belong to the State after all her land liabilities are paid, but it cannot be ascertained what the surplus public domain is, until all the present liabilities are located, and the surveys returned to the General Land Office. I would therefore suggest that a period of three or four years should be fixed upon, for all persons entitled to lands of this Government, to locate and have their claims surveyed, and their field notes, certificates and warrants, lodged in the General Land Office. Persons who have located, or who may locate lands, should be required to have the land surveyed and the field notes deposited in the General Land Office within a specified time, or forfeit the location, as many persons have taken advantage of the present laws and have held land simply by location to evade the payment of Taxes. Much injury has been done, and much more it is feared will be done to the resident citizens of this country, by the want of some law for their protection against the old Spanish and Mexican grants, the existence of which has not been made known to this Government; wherefore many of our citizens have located lands, believing them to be public and unappropriated domain—not only have they located, but they have bestowed upon it their labor for several years, and have made extensive improvements, believing the fee to the land to be fully vested in them by their location and survey, and very often by a patent which they may have received from this Government. Many titles, of which the existence has heretofore in this country been unknown, have been filed and registered in this office within the last year, nearly all which, together with most of the old grants which have been registered in this office several years since, have the Government dues been unpaid thereon. If the grants are legal,

surely some means should be adopted to enforce the payment of dues. Few of the ten and eleven league grants purchased of the State of Coahuila and Texas have been paid for.

The Commissioner of the General Land Office most earnestly entreats the Governor and Honorable Legislature to view the effects of the law which authorizes suits to be instituted against the officers of Government by mandamus. The ill effects of law are very apparent to the Commissioner, and he herewith submits one or two cases to elucidate his meaning, as follows:

Wherever a controversy has arisen between two citizens as to the right of either to a certain piece of land, both of whom have had the land surveyed and their respective field notes filed in the General Land Office, the field notes of either bearing the same date, and the right, so far as the Commissioner can judge, being equal, he therefore neither espouses the cause of one party or the other, but refuses to give a patent to either, until between themselves they settle their controversy; but one of the parties obtains a writ of mandamus, which is made peremptory, because the Commissioner sets up no claim in behalf of the State; the other party acts in like manner, and the consequence is, that two patents to different persons are issued to the same land.

A suit was brought by writ of mandamus against the Commissioner of the General Land Office, requiring him to issue a patent upon a survey made by the surveyors of San Patricio county, the land being in a disputed territory, claimed by the surveyors both of San Patricio and Bexar counties, and being surveyed by the surveyors of both these counties, upon entries made by persons in each county. The result was, that in consequence of the State having no interest in the land in controversy, and not being able to ascertain from the inaccurate surveying done in these two counties, or one of them, the identical claim with which there was a conflict, the mandamus was made peremptory, without deciding whether the party was legally entitled to a patent in that territory, in preference to those who located in Bexar county: upon the other side, if the persons who had their surveys made by the surveyors of Bexar, should bring suit in the same manner, the decision of the court must also be the same; thereby causing the State to issue two or more patents for the same land, whereby the character of our titles is much impaired.

It became the duty of the Commissioner of the General

Land Office in the year 1841, to report to the Congress of the Republic of Texas, a fraud of great magnitude, embracing in its character the crime of forgery, committed upon the Republic by false and forged reports having been deposited in the General Land Office, purporting to have been the result of the labors of the Commissioners appointed to detect fraudulent land certificates, in their examination of the the acts of the Board of Land Commissioners of Jasper county, which reports contained an excess of claims, amounting to seventy-six leagues and twenty-four labors more than the Commissioners have recommended. It again, by the force of circumstances, becomes the duty of the Commissioner to lay the whole matter before the Legislature, inasmuch as a suit is now pending in the District Court of Travis county, for the purpose of compelling the Commissioner of the General Land Office to issue a patent upon one of the above named seventy-six leagues, &c., the certificate having been certified to by the former clerk of the Board of Land Commissioners of Jasper county, as having been approved by the Commissioners appointed to detect fraudulent land certificates, the name of the said Clerk having also been signed to the fraudulent reports.

The suit now instituted, being brought by a person who was very conspicuous in forcing one of the fraudulent reports above referred to, into the General Land Office, which the following letters, &c., will more clearly show :

General Land Office,
Austin, February 9th, 1841.

M. B. LEWIS, Esq.:

Dear Sir,—Enclosed you will find a copy of the returns of the Examining Board of Commissioners from your county. From information had in the office, I am induced to believe that some error has crept into the report filed here; in some instances the quantity of land is not correct; in others there are names which have not passed the Board of Commissioners. Wherefore, I would request of you as a favor, that you would examine the enclosed report with the original, and make such corrections as are proper, and advise the General Land Office as soon as possible.

If you will read the twelfth section of the "act to detect

fraudulent land certificates, &c.," you will find, upon carefully examining the same, that the Commissioners should make their returns to the General Land Office, with their proper signatures attached thereto, which, in my opinion, would be the only true way of detecting frauds, as the law did not contemplate that any Commissioner or clerk who sat on the board before should act on this unless as auxiliaries. You will, therefore, procure as many signatures of the board appointed to detect, &c., to the returns as you possibly can.

With much regard,

I remain your obedient servant,

THOS. WM. WARD,

Commissioner General Land Office.

P. S. I Would further remark, that you having been elected county surveyor, it will be necessary to forward your bond to the State Department, before you can be recognized as such.

General Land Office,
Austin, April 1st, 1841.

Hon. M. B. LEWIS,

Chief Justice Jasper County:

Sir,—By Mr. Huling, member from Jasper, I forwarded a copy of the returns of the Examining Board of Land Commissioners for said county, for comparison with the original records of the county. I was induced to do this in consequence of information having been lodged at this office, that a portion of the names inserted in said return was done without the authority of the Examining Board. You will oblige me by comparing the copy sent, and inform me if any difference exists, or forward a duplicate as soon as possible, as daily applications are being made for patents to land surveyed by authority of certificates said to have been fraudulently inserted in the return now on file in this office.

I am, very respectfully,

Your most obedient servant,

THOS. WM. WARD,

Commissioner General Land Office.

Jasper County, August 16th, 1841.

Thos. Wm. Ward, Esq.

Sir.—Accompanying you have a true copy of the original records of the Board of Travelling Commissioners, exactly such a document as I forwarded to you by Mr. George W. Glasscock, about the first day of May last, with this exception; the signature of the Sheriff of the county was first on the one mislaid, which I forwarded by Glasscock. But, sir, to my great astonishment, you forwarded by Col. Espy, a document purporting to have been forwarded by me to your office, which document God knows to be as base a piece of forgery as ever escaped the pen of a forging villain. Glasscock told me, that you told him, to say to me, that he would probably be the shortest and safest conveyance. I forwarded them by Glasscock, believing it to be a safe conveyance. I also forwarded other documents by him. He wrote to me from Washington on the Brazos, that he had mailed my documents at that place, owing to his travelling so slow. Hence it is, if Glasscock is not one of the party of the certificate forgers of our county, or has not taken a bribe from them, there is something wrong in some of the post offices, at Washington city or Austin, or between the two places. Accompanying, you have a copy of a letter which accompanied the documents which I forwarded by Glasscock; as well as a copy of the resolutions of a committee of the people. I am sorry to say that it looks strange, that Glasscock should mail part of the documents I forwarded by him and retain part. Such appears to be the fact from your letter to me, that my bond as County Surveyor has been handed into the office of Secretary of State by Glasscock. I gave him the bond the same time that I gave him the other documents. There is as few certificate forgers in this county of Jasper, as probably any county in the Republic, but what we have, are of the first character. I forward this document as an experiment. I have just such another ready, which I will forward by a private conveyance.

I am, sir, with respect, your ob'dt serv't.

M. B. LEWIS,
Chief Justice.

N. B. Please let me know if you received a package of field

notes, at the same time you received the forged document. I forwarded a package by Glasscock.

Respectfully

M. B. L.

A copy of a letter forwarded by George W. Glasscock.

Jasper County, April 24th, 1841.

To Hon. Thos. Wm. Ward,
Commissioner Gen'l Land Office :

Sir—Accompanying you have a true copy of the original record of the examining Board of Commissioners for Jasper county, bearing date 26th June, A. D. 1840. It was not convenient to obtain the original signatures of the Examining Commissioners, except one (Gideon J. Goode,) whose certificate you will see accompanying. But, sir, in order to give all possible evidence of the corrections of the accompanying copy, I have obtained the official certificates of all the principal officers of this county, which I hope will be satisfactory.

I am, sir, with regard, your obd't serv't,

M. B. LEWIS,
Chief Justice, J. C.

N. B. This letter is a copy, so far as I wrote on the subject of a copy of the records of the Board of Travelling Commissioners.

Respectfully,

M. B. L.

Zavala, Jasper County, August 17th, 1841.

Thomas Wm. Ward, Esq.,
Commissioner of General Land Office :

Sir—Agreeably to your instructions, I conveyed the returns

entrusted to me to the proper person. Upon comparing the last return purporting to have been made by M. B. Lewis, it was ascertained to have been a forgery beyond a *doubt*. A meeting of the people was called, and it was unanimously resolved by the largest concourse of citizens ever met in this county, that a *true copy* of the record should be made out and forwarded to your department,—a copy to be sent by mail, and one by private conveyance, so that you should receive one genuine return from our county at least, and at last. It is now hoped that this return sent this day by mail, under lock and key, will arrive safe, and be amply satisfactory, legal and in just train for legal claimants to get their patents from this day henceforth, without any difficulty.

I have the honor to remain your ob'dt serv't

THOS. H. ESPY.

Whereas, there has been a true copy of the original record of the Board of Travelling Commissioners, made out and certified to officially, by A. J. Isaacs, Sheriff, H. Good, Clerk District Court, under seal, C. K. Blanchard, Clerk of County Court, under seal, Gideon J. Goode, former County Commissioner of the Examining Board, and M. B. Lewis, Chief Justice, under seal of office, which was forwarded to the Commissioner of the General Land Office, by what was considered a safe conveyance, which was *suppressed*, and a *forged document*, with sundry leagues and labors of land inserted, more than was in the correct one, made its way into the General Land Office, with the signature of the Chief Justice of our county *forged*, and with the seal of the County Court: Therefore, We, a Committee, chosen by the good people of Jasper county, at the court house in the town of Jasper, the 3d day of August, 1841, to wit: M. B. Lewis, Chairman, T. B. Huling, Edward Good, John A. Smith, Thos. H. Espy, Hardy Pace, Wm. McMahan, Josiah Stevenson, E. W. Harper, Britton Hall, James Thomason, N. H. Cochran, Andrew J. Isaacs, Caleb Burnester, Secretary, for the purpose of taking into consideration the numerous frauds practised upon the rights of our citizens and the Republic, by the frequent

attempt to introduce into the General Land Office, false or forged documents, purporting to have originated in this county, as well as purporting to be a true copy of the original records of the Board of Travelling Commissioners; also, to devise some means, or to adopt some measures that will secure peace and confidence at home, and give to our slandered people character abroad, do in the name of the worthy and law abiding citizens of our county, adopt the following Resolutions:

Resolved, 1st, That two correct copies of the original record of the Board of Travelling Commissioners be made out and certified to officially, by as many of the principal officers of our county as may be convenient, and that the Chairman of this committee be authorized to appoint a suitable committee to copy the aforesaid record, and also, a suitable committee to convey one copy to the Commissioner of the General Land Office at the city of Austin, and also to forward one copy of said record by mail, and to take the receipt of the post master for the same.

Resolved, That a sufficient sum of money be raised, by voluntary contributions, to defray the expenses of the committee bearing the document mentioned in the preceding resolutions to the city of Austin, and that the individual bearing them shall be required to give a receipt for the same, and take them under a pledge of his honor, that they will be delivered safely into the hands of the proper officers of the General Land Office, unless providentially prevented.

Resolved, That a copy of these resolutions and preamble accompanying, be forwarded to the General Land Office, with the aforesaid documents, and the committee bearing the same shall be despatched as soon as possible.

Whereupon the committee adjourned until Monday following, 9th August.

Attest,

CALEB BURNISTER, *Sec'y.*

Made out under the provisions of the above resolutions, and copied this 17th day of August, in Zavala, by

THOS. H. ESPY.

Jasper County, Oct. 26th, 1841.

Com'r Gen'l Land Office:

Sir—Yours of Sept. 8th has been received, which afforded much pleasure to the citizens of this county, to know that all was right in the General Land Office. In accordance with the resolutions of the committee, I forward by the Hon. Robert A. Pennall, the other copy of the records of the Board of Traveling Commissioners, with sundry unconditional head-right certificates enclosed.

I am Sir, with the highest respect, your most obed't serv't,
M. B. LEWIS, Chief Justice.

The object of the Commissioner of the General Land Office in thus troubling the Legislature with this expose, is to show the necessity of employing a Counsellor to represent the State in such suits as may be brought against it, under the law authorizing suits to be instituted against the officers of government by mandamus. At present it is not the duty of either the District Attorney or the Attorney General to defend the State in such suits as may be brought against it in the District Court under the law above referred to. For should it be considered the duty of the District Attorney to attend to such suits, much more labor would devolve upon him whose District the seat of government is in, than upon any other District Attorney of the State, and so numerous and important are the suits now pending in the District Court against the State, that the interest of the State would warrant the employment of the best counsellor, who should be required to reside at the seat of government. To take into consideration the costs which the State has to pay for suits, which in many instances it has no interest in, the Commissioner of the General Land Office does not hesitate to say, that the State would save money by the appointment of a Counsellor, although a liberal salary were allowed.

Notwithstanding the difficulties under which this office has labored by the resignation of the clerks, at the time of the adjournment of the last Legislature, and the consequent delay occasioned by selecting and instructing others in their several duties, together with much delay in procuring a supply of patents, this office has issued six thousand four hundred and twenty-nine patents since the meeting of the last Legislature. The

Commissioner has much satisfaction in saying that the business done in the General Land Office the past two years, has given to those persons who have had business with it general satisfaction, chiefly owing to the ability and attention of the clerks, and the more than usual stability of the laws; to leave without alteration the district boundaries, cannot be too fully impressed upon the minds of the honorable Legislature. Heretofore, when the Surveyors' bounds were governed by the annual change of county boundaries, great and almost irremediable confusion was the result. Now, it is pleasing to notice, that instead of increasing confusion, many of the former difficulties and clashing of Surveys are adjusted.

Although much effort has been made to obtain a map of the district of Red River, yet, up the present time, all our efforts have been futile, owing chiefly to the great inaccuracy of the surveying, and want of connection in the surveys; but it is expected through the energy and perseverance of the person now engaged in the compilation of that map, that something may be effected, which will enable the State to give a tolerable description of the land which may be patented. Although all the other districts have maps in this office, many of them are so very incorrect, that it is impossible to add the surveys of the present day to them, and many of the surveys which were made previous to, and since the compilation of the maps. To remedy this evil, the Commissioner is satisfied, that there is but one correct course to be adopted, which is the employment of competent persons by the State to compile maps of the several districts. In consequence of the small salary allowed to the Draftsman of this office, a gentleman who had discharged the duties of that office for the last four years was compelled to resign, the salary not being sufficient for the ordinary support of his family, by which the State has suffered a great inconvenience: the place is yet vacant, although efforts have been made to procure a person of proper qualifications to fill it. The appropriation which was made by the last Legislature for postage, is not one half expended. That for the payment of Land Scrip surveys has been insufficient. The amount appropriated for the contingent expenses of this office has been sufficient, the Commissioner having been compelled, out of his own resources, to furnish fire-wood, portorage and many other necessities. In consequence of the last Legislature failing to make an appropriation for the payment of district maps, &c., this office has been

much retarded in its business. Much inconvenience arises to persons having business with this office, through the neglect of several of the clerks of the Boards of Land Commissioners, in consequence of their not forwarding reports of the business of their respective boards. There are sixteen counties from which this office has not as yet received any report; wherefore, persons who have obtained certificates from them cannot obtain their patents until the reports are made.

In the contracts made for colonizing parts of the country, a clause has been inserted to reserve each alternate section from settlement by the colonists and, as a doubt has arisen in the minds of many citizens as to whether the alternate sections are reserved for the sole use of the State, or, whether they are a part of the unappropriated and public domain, subject to be located by the citizens, I would most respectfully advise an expression of the will of the Legislature by the enactment of a law, stating definitely whether they are subject to location or not, inasmuch as some persons are locating those alternate sections; whereas; many wish to locate them, but fear to do so.

The attention of the Legislative bodies of the country has been heretofore directed to a material defect in our patenting system; but as the subject has been passed over without action, the Commissioner conceives it his duty, again to lay the subject before the Legislature. Many persons having procured head-right certificates, bounty land warrants, and purchased scrip of the Government, located them and deposited the surveys in the General Land Office, upon which patents have been made, and bear date subsequent to the decease of the person to whom the certificate, warrant or scrip was granted, which in law is considered void, as no grant can be made to the dead. Wherefore, it becomes necessary to legalize by statute what has been done, and convey the right to the heirs or legal owners, and to provide for such cases in future.

I have the honor to be your very obed't. serv't.

Mr. Bryan, chairman of the committee on Engrossed Bills, reported that they have examined a joint resolution requesting the contractor of the mail route from Austin to Bonham, Fannin county, to transport the same weekly instead of semi-monthly,

and making provisions for the same, and find the resolutions correctly engrossed.

Read and adopted.

Mr. Allen introduced the following resolution :

Be it Resolved, That the Judiciary committee be instructed to report a bill defining more certainly the fees of Probate Judges, Clerks of the District, Probate and County Courts, Sheriffs, Coroners, and other county officers..

Read and adopted.

Mr. Crump introduced a bill to be entitled an act to define the boundaries of Austin county.

Read a first time.

By leave Mr. Bogart introduced the following resolution :

Resolved, That the committee on Roads and public Highways be instructed to inquire into the expediency of extending the national road from Dallas to the city of Austin, and report to this House, by bill or otherwise..

Read and adopted.

On motion of Mr. Irion, the orders of the day were taken up.

A joint resolution to repeal the joint resolution granting further time for the payment of Government dues, and the return of field notes.

Read a second time..

Mr. Cunningham introduced the following as a substitute :

A joint resolution granting further time for the payment of Government dues and the return of field notes.

Read and substitute adopted.

Mr. Bourland moved to strike out "1850" and insert "1st Nov. 1849."

The yeas and nays being called for stood:

Yeas—Messrs. Speaker, Allen, Anderson, Bogart, Bourland, Bryan, Crump, Crutcher, Davis of L., Davis of R., Eddy, Edwards, Fields, Gilliam, Goode, Haynie, Lott, Lyons, Miller of C., Miller of H., Milican, Neal, Perry, Rayner, Robertson, Rodgers, Railey, Runnels, Shannon, Shaw, Sterne, Stoddard, Webb, White and Willie—35.

Nays—Messrs. Burroughs, Caruthers, Cunningham, Dooley, Irion, Keenan, Lamar, Lewis, Moseley, McCown, McNeill, Pease, Potter, Rains, Reagan, Sadler, Stout, Stuart, Taylor, Truitt, Walling, Winkler, Wheeler and Wren—24.

Carried.

Mr. Willie moved a reconsideration of the vote just taken.

Mr. Cunningham moved to lay the motion to reconsider on the table.

Lost.

Question on the motion to reconsider was taken and lost.

Mr. Cunningham moved to refer to the committee on Public Lands.

Carried.

A bill to establish a board of Medical Censors.

Read a second time by its caption, and

On motion of Mr. Allen, referred to the Judiciary committee.

Mr. Cunningham moved that the committee on Printing have such documents printed as the committee on Finance may deem advisable.

Carried.

On motion of Mr. Haynie, the House adjourned until Tuesday morning, 10 o'clock.

House of Representatives,
City of Austin, Dec. 28, 1847.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names :

Messrs. Speaker, Allen, Anderson, Armstrong, Bogart, Bryan, Caruthers, Crump, Cunningham, Davis of L., Davis of R., Eddy, Edwards, Epperson, Fields, Gillaim, Goode, Hardiman, Haynie, Keenan, Lamar, Lewis, Lott, Lyons, Milican, Moseley, McNeill, Neal, Pease, Perry, Rains, Rayner, Reagan, Railey, Runnels, Sadler, Shannon, Sterne, Stoddard, Taylor, Truitt, Webb, Walling, Winkler, and White.

A quorum present.

The Journal of the preceding day was read and adopted.

Mr. Webb, Chairman of the Committee on Federal Relations made the following report,

Your committee to whom was referred the resolution of Mr. Miller of H., instructing the committee on Federal Relations to draft suitable resolutions requesting our Representatives and instructing our Senators in Congress to procure the passage of a law to pay the volunteers of Texas who turned out under the call of Col. Curtis have had the same under consideration and beg leave to report, that since they reported a few days ago, other add more satisfactory evidence has come before the committee, and they therefore recommend the passage of the accompanying Joint Preamble and Resolutions as a substitute for the Joint Memorial formerly reported to the House.

Read and laid on the table to come up among the orders of the day.

A message was received from the Senate informing the House that the Senate had passed a Joint Resolution requesting the contractor of the Mail route from Austin to Bonham to transport the same weekly instead of semi-monthly, and t

making provision for the same, upon which they have suspended all rules.

Mr. Anderson, Chairman of the committee on Public lands made the following report.

The committee on Public Lands to whom was referred the petition of Mordecai Fleming' praying the Legislature to consider his situation and grant him special relief, have duly considered his petition and have instructed me to report, that the powers of the Legislature in extending relief to individual cases is chiefly confined to those cases where a right has heretofore been created and established and which right cannot be fully perfected and enjoyed under the laws creating the same, or when there are conditions in favor of the State attached to the right and by removing or changing the conditions the rights of others are not effected thereby and individual justice advanced at the same time without injury to the State. The question then arises, has the present applicant placed himself under the class of provisions which your committee deem safe to adopt for the future government of the same: we think not. The petitioner, Fleming, states in his petition, that he conceived himself entitled to a head-right certificate under the existing laws, that he applied to the proper tribunal and his claim was denied or refused, he ceased to prosecute his suit further, which he had a right to do and waived the only right which he had under the laws creating that right. His rights have (if his petition be true) already been decided and adjudicated upon, and for the Legislature to attempt to grant relief when one of the proper and co-ordinate branches of the government have acted upon the same would be to say the least of it, establishing a principle dangerous in practice if not of doubtful power. But independent of these considerations, which we think sufficient, we cannot extend the relief in the present case; to do so, would be to grant a right not existing heretofore, and to grant a special and individual original claim to land would be of doubtful power, and of unwise policy. The petitioner, Fleming, does not present himself (in the event that the Legislature could and thought it just to act on such cases) properly within the just, legal and equitable

inteferance of the Legislature; his petition at least, should have been sworn to, and also accompanied with additional proof of the truth of facts set forth, otherwise the action of this body could and would be required upon, as many similar claims, as the interests of men might excite, and would open the door for wild and undeserving Legislative inteference; we therefore recommend no action in favor of the petitioner, and leave him to his rights at law, if any he have.

Read and adopted.

Mr. Bryan, Chairman of the committee on Engrossed bills, reported that they have examined an act to prescribe the mode of voting in all popular elections.

An act to remove the disability of minority from William Stene, Jr., so as to enable him to receive his portion of the estate of his deceased parents.

An act to establish more permanently the county seat of Collin county.

A bill to be entitled an act for the relief of those persons who may be indebted to the State on account of direct taxes payable in Texas Treasury notes.

An act authorizing the county court of Red River county to have the Records in Books A. B. and C., of Deeds, Bonds and Mortgages and other instruments of writing now in the office of the Clerk of said county transcribed.

Also an act to establish public schools in the county of Galveston, and find the same correctly engrossed.

Read and adopted.

Mr. Neal introduced a bill to authorize the Comptroller of Public Accounts to sell certain public property therein named.

Read a first time.

Mr. Haynie introduced a bill appropriating five thousand dollars for the contingent expenses of both Houses of the Legislature.

Read a first time.

Mr. Stout introduced a bill repealing the Bankrupt law.

Read a first time.

Mr. Lamar introduced a bill for the incorporation of the city of Laredo.

Read a first time.

Mr. Stout introduced a bill to be entitled an act repealing a portion of the third section of an act defining the mode by which holders of conditional certificates shall establish the same.

Read a first time.

Mr. Taylor introduced a bill to repeal in part, the 4th section of an act to raise a revenue by direct taxation; approved 28th April, A. D. 1846.

Read a first time.

Mr. Stout introduced a bill for the relief of the owners of conditional headright certificates.

Read a first time.

Mr. Haynie introduced a bill to provide for repairs on the public buildings in the city of Austin.

Read a first time.

Mr. Haynie moved a suspension of the rule.

Carried.

Read a second time, and

On motion of Mr. Haynie ordered to be engrossed.

On motion of Mr. Allen, the orders of the day were taken up.

An act to establish Public Schools in the county of Galveston.

Read a third time and passed.

An act authorizing the county court of Red River county to have certain books transcribed.

Read a third time and passed.

An act to remove the disability of minority from William Stein, Jr.

Read a third time and passed.

An act establishing more permanently the county seat of Collin county.

Read a third and passed.

An act for the relief of those persons indebted to the State in Treasury notes.

Read a third time, and

On motion of Mr. Anderson, recommitted to the committee on Finance.

An act to prescribe the mode of voting in all popular elections.

Read a third time and passed.

An act concerning witnesses fees.

Read a second time, and,

On motion of Mr. Armstrong referred to the Judiciary committee.

An act concerning head right certificates.

Read a first time.

An act requiring holders of conditional certificates to deposit the same in the General Land Office within a certain time.

Read a first time.

An act creating certain penalties.

Read a second time, and

On motion of Mr. Armstrong referred to the Judiciary committee.

A bill to define the boundaries of Austin county.

Read a second time, and

On motion of Mr. Willie, referred to the committee on county boundaries.

An act to amend an act to raise a revenue by direct taxation.

Read a second time, and

On motion of Mr. Willie referred to the committee on county boundaries.

An act to amend an act to raise a revenue by direct taxation.

Read a second time, and

On motion of Mr. Eddy, referred to the committee on Finance.

A Joint resolution requiring the Governor to reside at the seat of government.

Read a second time.

Mr. Potter moved to amend by inserting after the word "Governor" the words "Attorney General and Secretary of State."

Carried; and,

On motion of Mr. Anderson, referred to committee on State Affairs.

An act to incorporate and establish Guadalupe College.

Read a second time.

Mr. Anderson moved its engrossment.

Mr. Cunningham moved to refer the bill to the Judiciary committee.

Carried.

An act to authorise W. J. S. Carter to adopt John R. Butler as his son.

Read a first time.

An act prescribing the proof necessary for the representatives of those who fell under the command of Fannin, Travis, Grant and Johnson to obtain the land to which they were entitled, was read together with the substitute offered by the committee on public lands; substitute adopted, and

On motion of Mr. Potter ordered to be engrossed.

An act for the establishment of Free Public Schools.

Read a second time, and

On motion of Mr. Runnels referred to the committee on Education.

By leave, Mr. Irion introduced a Joint Resolution to provide a more suitable building for the Supreme Court.

Read a first time.

Mr. Willie moved to suspend the rule.

Carried.

Read second time, and

On motion of Mr. Willie ordered to be engrossed.

Mr. Sadler moved a further suspension of the rule.

Carried.

Read a third time and passed.

An act to define the powers and jurisdiction of Justices courts within incorporated towns, cities, &c.

Read a second time, and

On motion of Mr. Potter, referred to the Judiciary committee.

A bill supplementary to an act to organize the county of Pannola.

Read a second time.

Mr. Lyons moved to refer to a select committee.

Mr. Goode moved to refer to the committee on county boundaries.

Carried.

An act concerning slaves.

Read a second time.

Mr. Bogart moved to refer to the Judiciary committee.

Lost.

Mr. Gilliam moved to refer to the committee on State Affairs.

Carried.

An act giving the donees of San Jacinto certificates the right of conveying the same in fee simple.

Read a second time, and

On motion of Mr. Anderson, referred to the Judiciary committee.

An act making an appropriation for the mileage and per diem pay of members of the Legislature.

Read a second time, and

On motion of Mr. Sadler, ordered to be engrossed.

An to provide for the distribution of the funds received from the U. S.

Read a second time, and

On motion of Mr. Wren ordered to be engrossed.

By leave, Mr. Moseley introduced an act defining the mode of conveying property in which the wife has an interest.

Read a first time by its caption.

By leave, Mr. Winkler introduced a bill to locate the county seat of Navarro county.

Read first time.

On motion of Mr. Anderson,

The House adjourned to two o'clock, p. m.

2 o'clock, p. m.

The House met pursuant to adjournment—roll called—a quorum present.

On motion of Mr. Bourland,

Mr. Shaw was excused from attendance on the House on account of sickness.

On motion of Mr. Cunningham,

Mr. Neal was added to the committee on Claims and Accounts.

The resolutions adopted at a meeting of the citizens of Washington county and its vicinity were taken up, and

On motion of Mr. Wille referred to the committee on Post Routes.

Mr. Anderson, Chairman of the committee on Public Lands made the following report.

A majority of the committee on Public Lands to whom was referred the Joint Resolution to repeal the Joint Resolution granting further time for the payment of Government dues and return of field notes together with the amendments, have instructed me to report the same back to the House and recommend the passage of the substitute offered by the House.

Report read and adopted.

Mr. Lott moved to strike out "first of March, 1850," and insert "third Monday in December, 1849."

Rejected.

On motion of Mr. Anderson,

The substitute for the joint resolution granting further time for the payment of Government dues and the return of field notes, was read, and passed to a third reading.

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills have examined an act to provide for repairs necessary on public buildings in the city of Austin, and find the same correctly engrossed.

Read and adopted.

On motion of Mr. Haynie,

The rule was suspended.

Bill read a third time and passed.

On motion of Mr. Stout,

The resolution responsive to the resolutions of the General Assembly of the State of Rhode Island and Providence Plantations, were taken up and read a second time.

Mr. Moseley moved to amend by inserting "Rhode Island Fellow Citizens, and Northern Fellow Citizens," instead of "Rhode Island Friends and Northern Friends."

Adopted.

Mr. Stout moved the engrossment of the joint resolution.

The yeas and nays being called for, stood—

Yeas—Messrs. Speaker, Allen, Anderson, Armstrong, Bogart, Bourland, Burroughs, Bryan, Caruthers, Crump, Crutcher, Cunningham, Davis of L., Davis of R., Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardiman, Haynie, Irion, Keenan, Lewis, Lott, Lyons, Miller of C., Milican, Mosely, McCown, Neal, Pease, Perry, Potter, Rains, Rayner, Reagan, Robertson, Rodgers, Runnels, Sadler, Shannon, Sterne, Stout, Stoddard, Taylor, Truitt, Webb, Walling, Winkler, Wheeler, White and Wren.

Ordered to be engrossed without a dissenting voice.

On motion of Mr. Allen, the House adjourned until to-morrow morning, 10 o'clock.

House of Representatives.
Austin, Dec. 29, 1847.

The House met pursuant to adjournment,

The roll was called,

And the following members answered to their names :

Messrs, Speaker, Allen, Armstrong, Bogart, Bourland Bryan, Caruthers, Crump, Crutcher, Cunningham, Davis of L., Davis of R., Dooley, Eddy, Edwards, Epperson, Fields, Gi'

liam, Goode, Hardiman, Haynie, Irion, Keenan, Lamar, Lewis, Lyons, Miller of C., Milican, Moseley, McCown, McNeill, Neal, Pease, Perry, Potter, Rains, Rayner, Reagan, Robertson, Rodgers, Railey, Runnels, Sadler, Shannon, Sterne, Stout, Stoddard, Stuart, Taylor, Truitt, Webb, Walling, Winkler, Wheeler, White and Wren.

A quorum present.

The Journal of the preceding day was read and adopted.

Mr. Rodgers asked leave to record his vote in the affirmative, on the adoption of the resolutions responsive to the resolutions of the General Assembly of the State of Rhode Island and Providence plantations.

Granted.

Mr. McCown presented the petition of sundry lawyers and physicians of Montgomery county.

Mr. McCown moved its reference to the committee on Finance.

Mr. Taylor moved its reference to the committee on the Judiciary.

Mr. Runnels moved to lay on the table.

Lost.

Mr. Bourland moved to refer to a select committee.

Lost.

On motion of Mr. Stuart, referred to the Finance committee.

Mr. Neal presented the petition of Morgan O'Bryan.

Read, and referred to committee on Claims and Accounts.

Mr. Eddy presented the petition of F. M. Dimond.

Read, and referred to committee on Public Lands.

Mr. Haynie presented the petition of Collin Forbes.

Read, and on motion, referred to committee on Public Lands.

Mr. Pease, chairman the of Judiciary committee, made the following report :

The committee on the Judiciary, to whom was referred a resolution directing said committee to take into consideration the propriety of repealing the fourth section of an act defining the duties of District Attorneys, approved 13th

assignee of any share or shares of stock shall deposit his note with securities as contemplated and provided for in section eighth of this act, the same to be approved by the county court as in said section eighth is provided; then the assignor of such share or shares shall have the right to withdraw and cancel his note or notes, and securities given for such share or shares of stock: otherwise the notes and securities of said assignor to be and remain subject and liable to all the conditions and provisions contained in section ninth of this act."

Fifth. Amend the eighth section by striking it out entirely, and inserting the following as a substitute therefor, viz.:

Section 8th. Be it further enacted, That the office of the Company incorporated by this act shall be located in the city of Galveston, and so soon as the President and Directors thereof shall establish, by evidence, to the satisfaction of the county court of Galveston county, that *ten per centum* of the capital stock of said corporation has been paid by the stockholders to the actuary or secretary thereof, and that the balance or residue of said capital of one hundred and fifty thousand dollars has been secured, to be paid when called for, as contemplated in section second of this act, by the notes of the holders of said capital stock secured by not less than two good and solvent persons, who shall be citizens of, and residents in, either the county of Galveston or the county of Harris; and also, shall establish, to the satisfaction of the county court, that the direction of said corporation has been organized in conformity with the provisions of section third of this act, then said county court shall give them a certificate thereof, which shall be their warrant to commence business operations, under the authority vested by this act."

Sixth. Amend the act by inserting the following as the ninth section:

Section 9. Be it further enacted, That in case the corporation created by this act shall fail or refuse, or be unable to pay any Judgment which may be rendered against the same, the person or persons interested in said judgment shall have a right of action against each stockholder thereof, and his, her or their securities, on the notes required to be given by section eighth of this act, until such judgment or judgments are satisfied and discharged."

Seventh. Amend the ninth section of the original act by making it the tenth section.

Eighth. Amend the original ninth section by striking out the words "irrevocable but for account of misdemeanor, malfeasance or breach of law." With these amendments a majority of said committee believe the act will be unobjectionable, and they recommend its passage. All of which is respectfully submitted.

Mr. Pease, chairman of the Judiciary committee, also made the following report:

The committee on the Judiciary, to whom was referred "an act to establish a Board of Medical Censors for the State of Texas, have had the same under consideration, and a majority of said committee have directed me to report—That, in their opinion, neither the interest of the medical profession, nor the convenience of the public, will be promoted by the passage of such a law: indeed, so far as public opinion can be ascertained, it is presumed to be averse to any legislation on the subject, for a law of a similar character was passed by the Congress of the late Republic, in 1837, under which Censors were appointed, but they never acted under said appointment, nor has the law ever been enforced: it still remains a dead letter on our statute books, although unrepealed. Entertaining these opinions, they have directed me to return the act to the House, with a recommendation that it be laid on the table, and that the committee be discharged from its further consideration. All of which is respectfully submitted.

Report adopted.

Mr. Potter moved that the bill to create a Board of Medical Censors be taken from the table.

Lost.

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills have examined the following bills, to wit:

Joint resolution of the State of Texas responsive to the joint resolution of the General Assembly of the State of Virginia, adopted in March of the present year;

A joint preamble and resolutions of the State of Texas, responsive to the resolutions relative to slavery and the Mexican war, passed by the Senate and House of Representatives of the State of Vermont, in the month of November, 1846;

An act to provide for the disposition of the funds received from the United States; and

An act to regulate the salaries of District Attorneys, and find the same correctly engrossed.

Mr. Eddy, chairman of the select committee appointed to examine the petition of Nancy Hutchinson, and the memorial of 118 citizens of Jefferson county, praying the grant of a ferry privilege to Nancy Hutchinson, reported that they consider the aforesaid petitioner, Nancy Hutchinson, entitled to the benefit and relief prayed for in her petition, she having been proprietor of said ferry since its first establishment, and owner of the land on the west bank of the Neches river, at the town of Beaumont, for nearly twenty years, and would most respectfully recommend the accompanying bill to the favorable consideration of the House.

Mr. Bryan introduced a bill to prevent slaves from carrying fire-arms.

Read a first time.

Mr. Eddy introduced a bill requiring county clerks to perform certain duties.

Read a first time.

Mr. Rodgers introduced a bill to exempt from taxation all property designed and used for purposes of religious worship and of education.

Read a first time.

Mr. McCown introduced a bill to ascertain the outstanding liabilities of the State of Texas.

Read a first time.

Mr. Fields introduced a bill to repeal certain sections of an act regulating elections, approved May 11th, A. D. 1846.

Read a first time.

Mr. Willie introduced a joint resolution, requiring the Com-

missioner of the General Land Office to issue a patent in the name of the heirs of Wm. P. Nunn, deceased.

Read a first time.

Mr. Keenan introduced a bill to make valid all instruments of writing, without seal or (scrawl) scroll.

Read a first time.

Mr. Potter introduced a bill to repeal the 4th section of an act entitled an act to raise a revenue by direct taxation, approved 28th April, A. D. 1846.

Read a first time.

Mr. Stout introduced a bill to enable any person to adopt an heir by applying to the Probate Court.

Read a first time.

On motion of Mr. Bogart, the House proceeded to take up the orders of the day.

A joint resolution granting further time for the payment of Government dues and the return of field notes.

Read a third time and passed.

A bill authorizing the Comptroller of Public Accounts to sell certain public property therein named.

Read a second time, and

On motion of Mr. Haynie referred to the committee on Public Buildings.

A bill appropriating five thousand dollars for the contingent expenses of both Houses of the Legislature.

Read a second time.

Mr. Stout moved its reference to the committee on Finance. Lost.

Mr. Rayner moved its engrossment.

Carried.

A bill repealing the Bankrupt law.

Read a second time, and

On motion of Mr. Potter referred to the committee on the Judiciary.

A bill supplementary to an act entitled an act to reduce into one act and amend the several acts relating to the establishment of a General Land Office, passed December 14th, 1837, was

Read second time, and

On motion of Mr. Neal, referred to the committee on Public Lands.

A bill repealing a portion of the 3d section of an act defining

the mode by which holders of conditional certificates shall establish the same.

Read a second time, and

On motion of Mr. Stout, referred to the Judiciary committee.

A bill to repeal in part the 4th section of an act to raise a revenue by direct taxation, approved 28th April, A. D. 1846.

Read a second time, and

On motion of Mr. Taylor, referred to the committee on Finance.

A bill for the relief of the owners of conditional head-right certificates.

Read a second time, and

On motion of Mr. Stout, referred to the committee on the Judiciary.

Preamble and joint resolutions of the Legislature of the State of Texas, requesting the Senators and Representatives of Texas, in the Congress of the United States, to urge the passage of a law for the payment of the volunteers called out from this State under the requisition of Col. S. R. Curtis.

Read a first time.

A bill to prohibit the Board of Land Commissioners in each county of this State from issuing certificates to any claimant whatsoever, unless the applicant or claimant shall previously thereto have received a conditional certificate from some competent authority.

Read a second time, and

On motion of Mr. Millican, ordered to be engrossed.

A bill authorising W. J. S. Carter to adopt John Russel Butler as his son.

Read a second time.

Mr. Bryan moved to strike out the clause changing the name of John Russel Butler.

Carried.

Mr. Perry moved the engrossment of the bill.

Carried.

A bill to be entitled an act to define the mode of conveying property in which the wife has an interest.

Mr. Moseley moved that it be read by its caption.

Carried.

Read a second time, and referred to the Judiciary committee.

An act to locate the county seat of Navarro county.

Read a second time, and

On motion of Mr. Winkler, referred to the committee on County Boundaries.

A bill prescribing the mode to obtain head-right certificates, where the unconditional certificate never issued.

Read a second time.

Mr. Hardiman moved its engrossment.

Mr. Cunningham moved its reference to the Judiciary committee.

Carried.

A bill to be entitled an act requiring conditional certificates, with the surveys thereon, to be deposited in the General Land Office in a given period.

Read a second time

Mr. Bogart moved its engrossment.

Mr. Cunningham moved its reference to the committee on Public Lands.

Carried.

A bill for the incorporation of the city of Laredo.

Read a second time by its caption, on motion of Mr. Milican.

Mr. Irion moved its engrossment.

Lost.

Mr. Pease moved a reconsideration of the vote refusing to engross.

Carried—and

On motion of Mr. Pease referred to the Judiciary committee.

A joint resolution responsive to the preamble and resolutions passed by the General Assembly of the State Virginia.

Read a third time and passed.

A bill to be entitled an act to provide for the disposition of the funds received from the United States.

Read a third time and passed.

A bill to be entitled an act to regulate the salaries of District Attorneys.

Read a third time, and passed by the following vote :

Yeas—Messrs. Speaker, Armstrong, Bourland, Bryan, Caruthers, Crump, Crutcher, Cunningham, Davis of L., Davis of R., Epperson, Fields, Gilliam, Goode, Haynie, Irion, Keenan, Lewis, Lyons, Miller of C., Millican, Moseley, McCown, McNeil, Neal, Pease, Perry, Potter, Rayner, Robertson, Sadler, Sterne, Stuart, Taylor, Truitt, Webb, Winkler and Willie—38.

Nays—Messrs. Bogart, Burroughs, Eddy, Edwards, Hardiman, Lott, Rains, Reagan, Rodgers, Runnels, Shannon, Stout, Walling, Wheeler, White and Wren—16.

A joint resolution, responsive to the preamble and resolutions passed by the General Assembly of the State of Vermont, on the question of slavery and the Mexican war.

Read a third time by its caption on motion of Mr. Irion.

The question on the final passage was then taken and carried.

On motion of Mr. Rayner, Mr. Eddy was added to the committee on Claims and Accounts.

Mr. Goode moved that the House adjourn to 3 o'clock, P. M.

Lost.

On motion of Mr. Crutcher the House adjourned to to-morrow morning, 10 o'clock.

House of Representatives,
City of Austin, December 30, 1847.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names :

Messrs. Speaker, Anderson, Armstrong, Bogart, Bourland, Bryan, Caruthers, Crump, Cunningham, Crutcher, Davis of L.,

Davis of R., Eddy, Edwards, Fields, Gilliam, Goode, Hardiman, Irion, Keenan, Lott, Lyons, Miller of C., Moseley, McNeil, Neal, Pease, Perry, Rayner, Benfro, Reagan, Robertson, Railey, Runnels, Sadler, Shannon, Stout, Stoddard Stuart, Taylor, Webb, Walling, Winkler, Wheeler, White, and Wren.

A quorum present.

The Journal of the preceding day was read and adopted.

On motion of Mr. Keenan leave of absence was granted the Hon. W. E. Crump for two weeks.

Mr. Stuart chairman of the committee on Finance, made the following report:

The committee on Finance, to which was referred the engrossed bill to provide for the relief of persons indebted to the State, on account of direct taxes payable in Treasury notes, have had the subject under consideration, and respectfully beg leave to report the bill back to the House, with the accompanying substitute for the same.

Read and adopted.

Mr. Pease, chairman of the Judiciary committee made the following report:

The committee on the Judiciary, to whom was referred a bill to establish and incorporate Guadalupe College, have had the same under consideration, and they believe that it requires some amendment. The 14th section of the act excepts the property of the College from taxation, without expressing an opinion about the policy of exempting the property of such institutions from taxation. The committee believe that if any such exemption is allowed it should be done by a general law, that will exclude all institutions in the State of a similar character. The 15th section provides that the act shall be a public one, and judicially taken notice of without special pleading. The

corporation proposed to be established by the act being a private one, the committee are not aware of any good reason why this act should be placed upon a different footing from other acts establishing private corporations. Entertaining these views a majority of the committee recommend that the act be amended as follows, viz:

1st. Strike out the 14th section.

2d. Strike out the 15th section.

With these amendments they recommend the bill to the favorable consideration of the House.

Received and laid on the table, to come up with the orders of the day.

Mr. Pease, chairman of the Judiciary committee, made the following report:

The committee on the Judiciary, to whom was referred a bill giving to the donees of San Jacinto certificates the right to convey the same in fee simple, have had the same under consideration. and a majority of said committee are of opinion that the holders of these certificates, and all other donation certificates, and of the lands acquired under them. should be permitted to alienate the same whenever it suits their interest or convenience to do so—and that when they have been sold and passed from the hands of the original donees, that they shall no longer be exempt from execution. They have therefore prepared a general act that applies to all certificates of a character similar to those named in the bill referred to them, which act is entitled an act authorizing persons who have received donation certificates under the provisions of an act granting lands to those who were in the battles of San Jacinto and other battles, approved Dec. 31, 1837—to alienate said certificates and the lands acquired under them—and they recommend it be adopted as a substitute for the original bill.

Read and adopted.

Mr. Anderson, chairman of the committee on Public Lands, made the following report:

Your committee on Public Lands, to whom was referred the Joint Resolution for the relief of John S. McNairy of Nashville, Tennessee, have had the same under consideration, and have instructed me to report in favor of the joint resolution, and recommend its passage.

Read and laid on the table to come up with the orders of the day.

Mr. Anderson, chairman of the committee on Public Lands, made the following report:

The committee on Public Lands, to whom was referred the petition of Leander Brown, praying that he be allowed to purchase at valuation, certain town lots in the city of Austin, have had the same under consideration, and ask leave to report, that they can see no reason for Legislative interference, and recommend that the Legislature take no action in favor of petitioner.

Read and adopted.

Mr. Anderson, chairman of the committee on Public Lands, made the following report:

The committee on Public Lands, to whom was referred the petition of V. N. Harris, praying the Legislature to grant him 640 acres of land in addition to the same amount already received, have considered the same, and for the reasons already urged by your committee in their report upon similar cases, recommend the rejection of the petition, and leave the petitioner to his remedy at law.

Read and adopted.

Mr. McNeill, chairman of the committee on the Land Office, made the following report:

The committee on the Land Office, to whom was referred a resolution of the House of Representatives, relative to the erection of a fire proof building for the use of the General Land Office, have had the same under consideration, and a majority of said committee have instructed me to report that they believe it inexpedient to put up such a building at this time and place, owing to the want of a permanent seat of government.

Read and adopted.

Mr. McNeill, chairman of the committee on the Land Office, made the following report:

The committee on the Land Office, to whom was referred an act prescribing the mode of electing a commissioner of the General Land Office, have had the same under consideration, and a majority of said committee have instructed me to report, that they are of opinion that the interest of the country would not be subserved by the passage of said act, as the law of the last Legislature now stands on the statute books, it is made the duty of the Legislature to elect that officer, and they can see no valid reason for any change in that law. They therefore, recommend that the act prescribing the mode of electing the Commissioner of the General Land Office, be indefinitely postponed.

Read.

Mr. Anderson moved to lay the report on the table:

The yeas and nays being called on the question stood,

Yeas—Messrs. Speaker, Anderson, Armstrong, Bogart, Bourland, Burroughs, Crutcher, Cunningham, Davis of R., Dooley, Eddy, Epperson, Gilliam, Goode, Hardiman, Keenan, Lott, Lyons, Mosely, Pease, Potter, Rains, Rayner, Reagan, Robertson, Rogers, Railey, Runnels, Shannon, Stout, Stoddard, Taylor, Truitt, Webb, Walling, Winkler, Wheeler and Wren—38.

Nays—Messrs. Bryan, Caruthers, Davis of L., Edwards,

Fields, Irion, Lewis, Miller of C., Millican, McCown, McNeill, Neal, Renfro, Sadler, Stuart and Willie—16.

Carried.

Mr. Irion, Chairman of the committee on County Boundaries, made the following report:

The committee on County Boundaries, to whom was referred a bill entitled an act supplementary to an act to organize the county of Upshur, have had the same under consideration and beg leave to introduce the accompanying substitute, and recommend its passage in lieu of the original bill.

Read and adopted.

Mr. Bryan, chairman of the committee on Engrossed Bills, reported, that they had examined an act to provide an appropriation for the payment of mileage and per diem pay of the members of the Legislature of the State of Texas, and find the same correctly engrossed.

Read and adopted.

Mr. Potter, chairman of the select committee, reported:

The Select committee, to whom was referred the report of the Comptroller of Public Accounts, with the accompanying documents, exhibiting his action under a joint resolution of the last Legislature, by which he was required to settle the accounts of E. W. Moore, Post Captain, commanding the late Navy of Texas, have given to the subject their most mature consideration, and now beg leave to report to the House the result of their deliberations.

The accounts current made out by the Auditor of the late Republic of Texas, on the 27th of April, 1844, and which is contained among the papers submitted to us, shows that Commodore Moore is charged at that time by the Auditor with the

sum of seventy-two thousand seven hundred and twenty-six dollars and seventy-four cents, (\$72,726 74) of which, the sum of eighteen thousand eight hundred and twelve dollars and seventy-four cents (\$18,812 74) is charged in Exchequer Bills, and the balance in par funds. He is credited by twenty-one thousand eight hundred and fifty-one dollars and thirty-eight cents, leaving the balance against him of fifty thousand eight hundred and seventy-five dollars and thirty-six cents (\$50,875 36) which will appear by reference to document A, accompanying this report.

The committee in stating the accounts of Commodore Moore, have arranged his claims against the government into five classes. The first class amounting to thirty-five thousand one hundred and thirty-five dollars and sixty-five cents, includes various kinds of cash disbursements for the use of the Navy. The second class amounts to \$8,138 50, embraces cash disbursements made in the enlistment of men, and bounty paid them on entering the service. The third class, amounting to \$2,106 74, embraces expenditures for the use of the Navy, which were liquidated at the time they were incurred by the individual obligation of Commodore Moore, with the hypothecation of the Exchequer Bills at fifty cents on the dollar. The fourth class is composed of items of disbursements for the use of the Navy of which seven thousand two hundred and nine dollars and thirty-three cents were liquidated by the individual obligations of Commodore Moore, and one thousand one hundred and eighty-three dollars and thirty cents were paid in cash. The fifth class amounts to four thousand two hundred and twenty-five dollars and twenty cents, and includes expenses incurred for the use of the Navy, which were wholly liquidated by the individual obligations of Commodore Moore.

An abstract of the foregoing is among the papers submitted, and is made a part of this report, as document X.

The Comptroller endorses all the vouchers for claims of the first class, as equitable and just, except the two last numbered 143, for five hundred dollars, and 144 for three hundred and fifty-five dollars, which he submits as informal vouchers to be acted upon by the Legislature.

Your Committee concur in the opinion expressed by the Comptroller, that the vouchers of this class are equitable and just, and they perceive no difference between the character of

the last two vouchers and that of the preceding ones, and believe that there can be no good cause why they should not all be allowed.

The disbursements comprised in the second class are not endorsed by the Comptroller, for the reason that they are not of a kind authorized by the regulations of the service, though rendered necessary by the emergency of the times, under which they were incurred. A bare reference to the nature of these disbursements will suffice to explain the necessity which prompted the expenditure. The Navy was comparatively without men, and ordered upon an expedition against the enemy. The regulations of the Naval service of the United States, (which we view as a fair criterion in the absence of any positive law of our own,) allows bounty to seamen who enlist, and authorizes the employment of persons for the purpose of procuring recruits—of this character are all the disbursements of the second class. It is to be recollected that their enlistments were made in the United States, then a foreign country, and was a violation of the neutrality and laws of that government. All parties engaged in the transaction, rendered themselves amenable to highly penal laws—under these circumstances, it is not unreasonable to suppose that the cost of enlisting men would have been higher than in ordinary cases. This, however, we do not find to be the case, on the contrary, the committee are convinced that the cost incurred is less than that which usually attends the enlistment of men under the most favorable circumstances.

The third class is composed of five items of disbursements, made in the purchase of provisions and other naval supplies. The first four items were liquidated by the individual obligations of Commodore Moore, with a pledge of double the amount in Exchequer Bills. The hypothecation was forfeited and the holders took the Exchequer Bills at fifty cents on the dollar. The last item was paid partly in par funds, and partly in Exchequers. These were all cash expenditures, and no objection can exist to the disbursements included in this class.

In the fourth class are included disbursements made for the purchase of Naval supplies. No doubt exists as to the correctness of the accounts. The only difficulty arises from the fact that a portion of the account was liquidated by the obligation of Commodore Moore, and the remainder paid in cash.

In the fifth class are included disbursements made for the

purchase of Naval supplies, and the repairs of the sloop of war Austin, in satisfaction of which Commodore Moore gave his individual obligations. No disbursements of money were made for any items included in this class. The Auditor has charged in his account current, the Exchequer Bills against Commodore Moore, in par funds. This the committee do not conceive to be just; satisfactory evidence is before us to show the rate at which those bills passed, from which it appears that for the amount of eighteen thousand eight hundred and twelve dollars, he received actually six thousand three hundred and seventy-seven dollars and seventy-eight cents—a fraction over thirty-three-and-a-third cents on the dollar, and a higher rate than the market value at the time they were expended. We are, therefore, of opinion that the most equitable arrangement would be, to require the actual proceeds only of the depreciated currency to be accounted for, which makes a deduction of twelve thousand four hundred and thirty-four dollars and twenty-two cents, to be placed to the credit of Commodore Moore. In addition to the accounts stated upon the abstract of the Comptroller, the committee believe that there are other credits justly due Commodore Moore. The Comptroller has deducted from the credits allowed, the sum of seven hundred and seventy-seven dollars and twenty-two cents, the items of which, will be seen by reference to exhibit marked B, accompanying this report. These deductions are made upon the ground that no strictly legal vouchers existed for this portion of the disbursements. The evidences before us shows sufficiently, that this amount was actually expended for the use of the Navy over and above what is allowed by the Comptroller. The greater part is for medicine and clothing proper for the service; and the want of strictly formal vouchers ought not in our opinion to preclude a recognition of the claims.

Another portion of the accounts of Commodore Moore are not allowed by the Comptroller, on the ground that the disbursements were made through the third persons acting for him. We are convinced that all the expenditures of this character, amounting to fourteen hundred and eighty-eight dollars and fifty-seven and-a-half cents were incurred for the use of the Navy, and paid for by Commodore Moore.

And as they were actually received on board the different vessels, we can perceive no objections to allowing the account.

An abstract of the various items included in this amount will be seen by reference to exhibit marked C. Another document marked D, exhibits a statement of various cash disbursements for the use of the Navy, for which no formal vouchers are shown, but which have every appearance of being equitable and just. This account is for one thousand and fifty-nine dollars, fifty-two cents, and all the items contained in it are for naval supplies and bounty to seamen; except one item of fifty dollars, for cash advanced to Thos. S. Lubbock, while engaged in the service of the government.

The committee are of opinion that this item, although for the use of the government, ought not to be allowed, inasmuch as the disbursement was not strictly for the use of the Navy. The last accounts, together, amount to \$2,498 09. It is to be observed, so far as relates to the greater part of the disbursements made by Com. Moore, that the informalities of the vouchers, arises from the fact that he was, after the passage of the act of Congress of January the 18th, A. D. 1841, Naval Storekeeper and Navy Agent, as well as Commander of the entire fleet.

Had the two former offices been held by separate individuals, it would have been proper that requisitions should be made by the commanding officer, for whatever supplies were needed for the service: but, as he held all three of the offices, this formality might be unnecessary; as the requisitions would of course have been made upon himself. As this is the only formality wanting in a large majority of the vouchers, it is a mere technical *quibble*, to reject a voucher for a defect so trifling and unimportant.

Your committee are satisfied that it was the intention of the Legislature, in passing the joint resolution under which the Comptroller acted, that the accounts of Com. Moore should be settled upon an equitable basis; and they have been governed by this construction of the resolution. There is no voucher, approved by us, which has not, upon the face of it, evidence of intrinsic correctness. Taking into view the circumstances of the times, and the embarrassments which surrounded the Naval service, it is to be wondered, that even *informal* vouchers should have been preserved. We discover, by reference to the former settlement, made by the Auditor, that many accounts are passed, of the same character with those embraced in the present settlement, and upon vouchers equally informal. So far as regards that class of accounts, amounting to fourteen thousand

and eleven dollars and eighty-six cents, liquidated by the individual notes of Com. Moore, an abstract of which accompanies this report, marked E, the committee are of opinion that they should not be estimated in settling the accounts of that officer, with the government; and they are of the same opinion in regard to the other class of accounts, for eleven hundred and ninety dollars and twenty cents, (the items of which will be seen by reference to exhibit E,) which are unliquidated by any obligation of Com. Moore; but, like the last mentioned, were purchased by him for the use of the Navy, and on a credit. The vouchers for both these classes are with the papers submitted to us, and belong to the archives of the Auditorial Department: these should be made the subject of a separate adjustment:

A recapitulation of the accounts of Com. Moore, shows the following result:

Balance due by Commodore Moore, as per count of Cha's Mason, Auditor,	\$50,875 36
<i>CR.</i>	
By cash disbursements, for the use of the Navy, 1st class,	35,135 65
Cash disbursements for enlisting men, bounty, &c., 2d class,	8,138 50
Cash disbursements for the use of the Navy, 3d class,	2,106 74
Cash disbursements for the use of the Navy, 4th class,	1,183 30
Deduction made by the Comptroller, for want of strict vouchers, see exhibit-B,	777 22
Disbursements not allowed by the Comptroller, for want of formal vouchers, see exhibits C and D,	2,498 09 1-2
Over charge in Exchequer Bills,	12,434 22
	\$62,273 72 1-2

It will be perceived that a balance is left, in favor of Com. Moore, of eleven thousand three hundred and ninety-eight dollars, thirty-six and a half cents, which amount includes only the cash expenditures, made in furnishing supplies, the paying

for repairs and procuring enlistments in the Naval service. In addition to this, Com. Moore holds the Purser's certificate for his pay, from the time of entering the service, up to the 25th of July, 1843: the sum of three hundred and sixty dollars was drawn by him in June, 1840; and the balance in his favor, up to July the 25th, 1843, is eleven thousand, seven hundred and twenty-five dollars and fifty-four cents.

It further appears from the statement of the Comptroller, that Com. Moore has received no part of his pay, under the act of Congress passed on the 5th of February, 1844; by which the sum of sixteen thousand dollars was appropriated, to be paid *pro rata* to the officers of the Navy: which will appear by reference to the certificate of the Comptroller, accompanying this report, marked W.

At the time when the disbursements above stated were made, the act of Congress passed on the 23d of July, 1842, was in force. That act appropriated fifteen thousand dollars for the outfit of the steam ship Zavala—twenty-five thousand dollars for the outfit and provisioning of the Navy, then in the service of the government—twenty-eight thousand two hundred and thirty-one dollars for the pay due the officers, seamen and marines of the Navy, on the 1st of July, 1842, and twenty-nine thousand four hundred and twenty-eight dollars and fifty cents, for six months' pay of the officers, seamen and marines of the Navy, for six months from and after the 1st of July, 1842—which amount was required by the act to be paid out of the first money in the Treasury. No part of this was drawn, except seven thousand four hundred and eighty-seven dollars and seventy-eight cents, by the Secretary of War and Marine, in December, 1843, from the appropriation for repairing the Zavala.

Commodore Moore, in view of these appropriations, and the assurance held out by the action of Congress, that the Navy would be kept in active service, incurred the expenses necessary to sustain and support that arm of the national defence, and fit it for active operations against the enemy. It is believed that the sums expended for the purposes were reasonable; and that the Navy was fitted for its intended expedition, upon the most economical terms. In order to facilitate the outfit of the Navy, and enable it to render the service which the country anxiously looked for, Commodore Moore, as the commanding officer, pledged his own credit, after expending the

means in his hands belonging to the government, and drawing largely upon his own private resources.

Taking into view the appropriations above alluded to, and the general expectation of the country, which confidently anticipated a glorious result to the contemplated expedition, it could not be deemed unwise or improper, that the officer upon whom rested the whole weight of responsibility, should exceed the actual amount of government funds in his hands, when the means used were directed to the achievement of the great object which every patriot desired—the chastisement of an insolent foe.

Mexico had, already, declared our ports in a state of blockade, and menaced our coast with an invasion, which we were incapable of repelling, unless by keeping the Navy in service. The honor of the country was vindicated and nobly sustained, by our small but gallant fleet, when an opportunity offered of meeting the enemy.

Far from considering as *extravagant* the conduct of the Commodore, in supplying the Navy with all the necessary means of bringing to an honorable conclusion the contest he was about being engaged in, your committee are more disposed to applaud the efforts, and admire the *zeal* manifested by that officer; directed as it was to the promotion of his country's glory. It is the pride of a generous country to bestow merited praise upon the patriotic exertions of its citizens.

Your committee having placed in possession of the House, so far as they are capable, the facts connected with the subject referred to them, and made such suggestions as they conceived to be proper, ask time to prepare and offer resolutions, appropriate to the various matters which they have had under consideration. All of which they respectfully submit.

Report read, and laid upon the table, to come up with the orders of the day.

Mr. Eddy introduced a bill to be entitled an act to organize the militia of Newton county.

Bill read first time.

Mr. Keenan introduced a bill to be entitled an act to alter the time of holding the Courts in the seventh Judicial District.

Bill read first time.

Mr. Rodgers introduced a bill to be entitled an act to amend

the 12th section of the "act of limitations," approved February the 5th. 1841.

Bill read a first time.

A message was received from His Excellency the Governor, was received through the hands of his Private Secretary, Mr. Hatch.

Mr. Lott moved that a committee of three be appointed to wait on the Hon. Senate, and invite that body to meet the House in the Representative Hall, to hear the message of His Excellency the Governor read.

Motion carried.

The chair appointed Messrs. Lott, Moseley and Railey said committee.

Mr. Stout introduced a bill to be entitled an act to repeal a certain clause or proviso, in the 1st section of an act passed by the Congress of the late Republic of Texas, granting land to late emigrants.

Bill read a first time.

Mr. Fields introduced the following resolution :

Resolved, That the committee on State Affairs be instructed to enquire into the propriety of abolishing the office of Adjutant General of the State.

Resolution read and adopted.

Mr. Bourland in the chair.

Mr. Henderson introduced a bill to be entitled "An act to incorporate Protection Fire Company No. 1, city of Houston."

Bill read a first time.

Mr. Henderson moved that the rule of the House which requires bills to be read three several days, be suspended.

Motion lost.

Mr. Gilliam introduced the following resolution :

Resolved, That the committee on Printing be instructed to enquire into and report the cause, if any, why the Journals of the House of Representatives of the first Legislature have not been published.

Resolution read and adopted.

Mr. Allen introduced a bill to be entitled "An act to define more correctly the boundaries of De Witt county.

Bill read a first time.

Mr. Robertson introduced the following resolution :

Resolved, That the committee on Finance be instructed to report a bill requiring the county courts of the several counties in this State to classify the land in their respective counties ; and requiring said commissioners' courts to value the lands, setting the price of each class opposite its respective number, which classification and valuation shall govern the Assessors in the collection of the taxes on the same.

Resolution read.

Mr. Willie moved to amend the resolution by striking out the word "report," and inserting the words—"enquire into the propriety of passing."

Motion carried.

Question—shall the resolution as amended be adopted ?

The House decided in the affirmative, and the resolution as amended was adopted.

A committee was announced from the Senate, consisting of Messrs. Phillips, Cuny and McRae, who informed the House that the Senate would repair to the Representative Hall at half past eleven o'clock, to-day, to hear the reading of the Governor's message.

Mr. Stout moved that the House take a recess of fifteen minutes.

Motion carried.

The House met at the expiration of the fifteen minutes.

The roll was called, and a quorum found present.

Mr. Lott, Chairman of the committee appointed to wait upon the Senate, reported the duty assigned said committee performed.

Mr. Robertson moved that Mr. Rayner be added to the select committee appointed to ascertain the amount of the outstanding liabilities of the late Republic of Texas.

His Excellency, the Lieut. Governor, and the members of the Senate, were announced at the bar of the House.

His Excellency, the Lieut. Governor, was invited to a seat on the right of the Chair; and the Senators to seats prepared for them.

The following message of His Excellency, the Governor, was then read by the Chief Clerk of the House of Representatives, to the two Houses of the Legislature.

Executive Office,
Austin, December 29, 1847.

*Gentlemen of the Senate,
and of the House of Representatives :*

The message of my predecessor, communicated to the Legislature at the commencement of the session, gave you all the necessary information in relation to the present condition of the Government, and of its administration since your last convention. It only remains for me to recommend to your consideration such measures, and the adoption of such a course of policy as may seem expedient for our future governance and prosperity.

The present position of our affairs affords ample room for congratulation. At no period in the history of our country have we had more cause to rejoice on account of her prosperous condition. Our State Government, founded on the will and affections of the people is daily growing in strength. Local jealousies and sectional prejudices, if they ever existed, have given place to the better feelings of patriotism and habits of industry, and subordination to the laws, prevail throughout the length and breadth of the State. Security at home, and the peacefully enjoyment of the blessings of liberal institutions, have given a new impulse to our advancement in prosperity, happiness, and the science of government. The past season has been one of general good health, and Providence has

blessed the country with an abundant harvest. For all of which, we owe to the Supreme Being our sincere gratitude.

Meeting together under circumstances so auspicious, it becomes our duty to unite in harmonious action, for the continuance and promotion of the prosperity and happiness of our common constituents.

Among the many important matters which will come up for your consideration, there is none more urgent and difficult of adjustment than that of the payment of our public debt. The first point in relation thereto is the determination of its amount: the next is the means of its payment. The subject is intricate and perplexing, and will require close investigation. Should the Legislature think proper to act upon it, with a view to its adjustment, I would respectfully suggest the propriety of appointing a commission of two or three gentlemen of integrity and ability, to examine, audit and ascertain our true indebtedness, including of course, our foreign and domestic debt, funded and unfunded, audited and unaudited, allowing such as they may find to be just and legal, subject however to the ratification or rejection of the Legislature. As to the amount we ought justly to pay, upon each nominal species of debt, it will be for your collective wisdom to determine. After much reflection upon the subject, I have thought that the true measure of payment would be the market value of the several evidences of indebtedness at the time they were disposed of by our Treasury or the agent thereof, with interest thereon from that time, at the rate named on the face of such evidences. It is believed that the amount of our entire indebtedness, determined by this scale, will not perhaps exceed five millions of dollars.

As to our means of payment—our large and valuable public domain is the only ready resource we have. This too, presents a still more important subject for your deliberations, as you will have to determine upon some course of policy to be pursued in bringing this immense tract of country into market. At a fair price, it is not only sufficient to liquidate our debt, but will give us a surplus after its payment, of inestimable value when applied, as it should be the education of the youth of our country, and the development of our resources, by internal improvements.

The most suitable and proper purchaser of our public lands is the United States. If a sale can be effected on advantageous terms, it will, under the present circumstances, be desirable,

inasmuch as the Federal Constitution gives her alone the exclusive right of regulating our intercourse with the Indian tribes. She would then be the owner of the soil occupied by the various tribes upon our borders, and could the more effectually control them. In addition to this, her uniform manner of surveying and selling her public lands would greatly facilitate settlements within our State.

If in your wisdom you determine to propose a sale of our public domain to the General Government, I would respectfully suggest that you appoint our delegation in Congress, or some other suitable persons as Commissioners, to enter into negotiations with the proper authorities, upon this important subject. If however, you determine upon another course of policy as being better calculated to promote the interest of the State, you have the assurances of the hearty sanction and co-operation of the Executive in whatever you may legally and constitutionally do.

Our debt must be paid. The honor of the State must stand without blemish. We never can expect to attain a high and permanent prosperity until it is done, and the consummation of a purpose so noble, calls for united and energetic action.

I would here take occasion to call the attention of your honorable body to a subject which has of late occupied much of the public mind—a subject involving in its issue interests of the greatest moment to the people of Texas. I allude to the efforts that have been made, and are now making to sustain certain land claims, supposed to be fraudulent. It is a notorious fact, that the country is flooded with these claims, and if they should hold good, and the perpetrators of such frauds succeed in their designs, it were useless longer to consider as to the disposition of our public domain, as in that event the whole will be appropriated and absorbed by them. The evil will not stop here. The State will not be the only sufferer. The vested rights of our oldest and best citizens will be disturbed and endangered. Our land titles will be clouded, emigrants will be prevented from purchasing, the settlement and improvement of our country will be retarded and an amount of confusion and litigation unparalleled in the history of our sister States will necessarily ensue. The question arises—is there no remedy by which these evils can be arrested? Will the State submit to the imposition of a fraud so general in its character, and so pernicious in its consequences? It seems to me that some further legislative pro-

visions are indispensable to the security of the public interest. I would therefore recommend that your honorable body adopt such measures as will effectually enable the judicial tribunals of the State to prevent the consummation of titles to land acquired by virtue of fraudulent certificates, and that precautionary means be taken to prevent the survey of the public lands on spurious and fictitious claims.

It will become your duty under the 29th and 31st sections of the third article of the Constitution, to fix the number of Senators and Representatives to the Legislature, and to apportion them among the several counties and districts of the State, according to the number of our free population, as ascertained and reported by the county assessors, in pursuance of the law by the last session of the Legislature.

It will also be necessary for you, under the same sections of the Constitution, to enact a law for a similar enumeration in the year eighteen hundred and forty-eight.

Our last Legislature passed an act to establish a State Penitentiary. This law provides for the erection of the buildings by the convicts, and is of course inoperative for want of a penal code applicable to such mode of punishment. It will, therefore, become your duty to adopt a code for the punishment of all offences not capital, and above the grade of misdemeanor, by confinement to labor in the Penitentiary of the State. With the lights before us, and the experience of other States in regard to the mode of punishment, you cannot fail to digest a code of criminal laws which will not only supersede the savage practice of the whipping post, but will deter the wicked among us from violating the rights of others. So soon as this necessary code is adopted, the Executive will cheerfully proceed to execute the provisions of the act of 1846.

The 15th section of the fourth article of our Constitution having given to the District Courts "Original jurisdiction and control over executors, administrators, guardians and minors, under such regulations as may be prescribed by law," the last Legislature, without prescribing these regulations, proceeded to give to the Probate Courts ample powers over the same subjects. By this means some confusion has arisen in the interpretation of our successive laws. Some legislative provisions will, therefore, be necessary to regulate this jurisdiction. I bring this matter more readily before you because it will be admitted by all, that no branch of our civil jurisprudence is of

more practical importance than the laws regulating the safe keeping of the estates of minors and deceased persons. And perhaps it may be said with equal truth, that no part of our laws are more imperfect.

The 36th section of the seventh article of the Constitution, provides that, within five years after its adoption, the laws, civil and criminal, shall be revised, digested, arranged and published in such manner as the Legislature shall direct. To carry out this excellent provision of the fundamental law, I would recommend the appointment of legal gentlemen to revise, digest and arrange our entire code of laws. The work is greatly needed by our county officers throughout the State. Many of them are without the statutes: and those who have them; find in them such entire absence of arrangement, that they are to them a sealed book. To engage the services of men learned in the law, and to have the work well done, a suitable compensation should be allowed them by law, and provision should be made for publishing the code so soon as it is revised.

I would further recommend to the Legislature the propriety of having published the decisions of the Supreme Court of the State. During the last two years, important principles have been adjudicated by that tribunal, involving interest of great magnitude, and explanatory of our statutes and defining our legal and social rights. These decisions have not as yet been published in any authentic form, and as it is important and desirable that they should be correctly printed and generally disseminated, the necessary appropriation should be made.

By the 10th article of the Constitution, it is made the duty of the Legislature to make suitable provision for the support and maintenance of public schools. Your body is further required, as early as practicable to establish free schools throughout the State. One tenth of the annual revenue derived from taxation is set apart as a perpetual public free school fund. In addition to this general fund, the land granted to the various counties for school purposes are made a perpetual fund, and those counties, which have not as yet received their quantum of school lands, shall be entitled thereto.

The Congress of the late Republic of Texas by an act approved 26th January, 1839, directed to be surveyed and set apart for each county, for the purpose of establishing a primary school or academy in each county, three leagues of land.

By the same act fifty leagues of land were directed to be surveyed and set apart for the endowment of two colleges or universities.

By another act approved 5th February, 1840, the Chief Justice and two associate Justices of each county were appointed a board of School Commissioners, with power to have located and surveyed the three leagues above referred to, and the additional power of surveying and selling an additional league of land; the one-half of the proceeds of such sale to be applied to the endowment of the county academy, and the remainder to be distributed to the county school districts.

This is the whole of our imperfect legislation on the great and vital subject of Education.

It is almost impossible to tell what the old counties have done upon the subject of surveying and selling school lands. To obtain the necessary information in relation to the matter, we need some legal provision requiring the county clerks, assessors or chief justices to report what has been done in their respective counties. It is believed however, that few of the counties have had the land surveyed.

The system of leasing or renting school lands has never worked well in any of the states. Experience has universally proved the expediency of selling such lands and bringing the monies into a general school fund.

To begin however, in this great work, it will be necessary that we should know, what lands have been set apart by the counties where they are situated; and that we proceed under constitutional requirements to have set apart the deficient lands. I therefore recommend that you make provision on this subject at as early a day as practicable.

It will also be for your body to say what disposition shall be made of the tenth of the revenue now in the Treasury, and annually coming in as a permanent school fund.

The license and revenue laws passed by the last Legislature, have in their practical operation produced some confusion and dissatisfaction among our citizens. It will be for you to consider whether they cannot be revised and modified in such a manner as to be more uniform and less objectionable to the tax paying community.

In connection with this subject I would suggest the propriety of having the assessment roll of non-resident tax payers published at a point, as near as possible to the location of the

property assessed. This would certainly present the readiest means of giving information to the owners.

For the more speedy and certain collection of State and county revenue, I would recommend that a law be passed, authorizing a judgment to be taken by motion against any officer and his securities on their bond, for a failure to pay over the public monies by him collected.

The last Congress made an appropriation for the erection of two light houses upon our coast. One to stand upon Galveston and the other upon Matagorda Island. Before the works can progress it will be necessary that the Legislature pass a law, ceding to the General Government the right of jurisdiction over the grounds appropriated to such purposes. I herewith transmit to you a communication from the collector of the port of Calveston, upon this subject. The communication contains some other suggestions in relation to the transfer of our "Custom Houses and other places for the collection of import duties." It is respectfully submitted to your consideration.

In addition to our population speaking the English language, we have a large, industrious and growing German population. It will be necessary in order that they may participate fully in the blessings of our free Government that a certain number of copies of our statutes of a general nature, should be printed in their language. As they must abide by our laws, let them know what they are. Such has been our custom in regard to our citizens speaking the Spanish language. The reasons are still more potent in regard to the enterprising and patriotic German who has come to make his home in our country, and who has already given us a pledge of his worth in the spirit of improvement which he has kindled in the western portion of our State.

I cannot close this communication without congratulating you upon the success of our arms in Mexico, and also expressing a sincere desire that the infatuated people of that unhappy country will see the necessity of accepting the honorable and liberal terms of conciliation offered them by the United States.

But while the administration of the Federal Government has covered itself with glory in the conduct of the war every patriotic spirit is made to tremble with anxiety for the peace of

the Union, because of the late and fearful combination in the North against the institutions of the Southern States.

The object is to rally in the National Congress, a majority favorable to the destruction of the compromises of 1819, and of the Federal Constitution.

I sincerely hope that you will not adjourn without publicly expressing a strong and pointed condemnation of these startling doctrines.

In conclusion, gentlemen, I recommend to you a just economy in the public expenditures, and a mutual concession of opinions for the purposes of harmony and the despatch of public business. And I promise you the use of my sincere, and best endeavors to co-operate with you in carrying out every legal and constitutional measure that will advance the interest of our beloved country.

GEO. T. WOOD.

The message having been read, the Senate returned to their Chamber.

Mr. Willie introduced the following resolution.

Resolved, That the committee on Printing be instructed to contract for the printing of one thousand copies of the message of his Excellency the Governor, in pamphlet form for the use of this House."

Mr. Lott moved to amend the Resolution by striking out "one" before "thousand" and inserting "two."

Mr. Allen moved to lay the resolution upon the table.

Motion lost.

Question—Shall the amendment proposed by Mr. Lott, to Mr. Willie's resolution be adopted.

The yeas and nays were called on the adoption of the amendment and stood as follows.

Yeas—Messrs. Speaker, Armstrong, Bogart, Bourland, Davis of R., Dooley, Eddy, Fields, Goode, Hardiman, Haynie, Irion, Lamar, Lewis, Lott, Lyons, Miller of C., Milican, McCown, McNeill, Rains, Reagan, Robertson, Rodgers, Shan-

non, Sterne, Stout, Stuart, Taylor, Truitt, Walling, Wheeler, and Willie—33.

Nays—Messrs. Allen, Anderson, Burroughs, Bryan, Crutcher, Cunningham, Davis of L., Edwards, Epperson, Gilliam, Moseley, Neal, Pease, Perry, Potter, Rayner, Renfro, Railey, Runnels, Sadler, Stoddard, Webb, Winkler, White and Wren—25.

Amendment adopted.

Question—Shall the resolution now under consideration of the House as amended be adopted?

The House decided in the affirmative, and the resolution as amended, was adopted.

Mr. Haynie moved that the House adjourn until 10 o'clock to-morrow morning.

Motion lost.

Mr. Burroughs, Chairman of the committee on enrolled bills made the following report.

The committee on Enrolled bills, have examined "a Joint resolution, requesting the contractor of the Mail Route from Austin to Bonham, to transport the mail weekly, instead of semi-monthly, and making appropriation for the same;" and find the resolution correctly enrolled; and having been signed by the Speaker of the House of Representatives and President of the Senate. was this day presented to his Excellency, the Governor, for his approval.

Report read and adopted.

Mr. Lott moved that the House adjourn until to-morrow morning, 10 o'clock.

Motion lost.

Mr. Anderson moved that the House adjourn until 3 o'clock, p. m.

Motion lost.

By leave, Mr. Sterne introduced a bill to be entitled "an act to legalize in part, and more particularly define the duties of certain commissioners of Smith county.

Bill read a first time.

By leave, Messrs. Allen, Anderson and Dooley recorded their names in the affirmative on the final passage of the bill regulating the salaries of District Attorneys.

On motion of Mr. Pease, the House proceeded to the orders of the day.

A bill to be entitled an act making an appropriation for the payment of the milage and per diem pay of the members and officers of the present Legislature, was taken up, read a third time and passed.

Mr. Allen moved that the House adjourn until 2 o'clock, p. m.

Motion lost.

Mr. McNeill moved that the House adjourn until 10 o'clock, to-morrow morning.

The yeas and nays were called on the motion, and stood as follows:

Yeas—Messrs. Allen, Bogart, Crutcher, Cunningham, Dooley, Epperson, Fields, Goode, Hardiman, Haynie, Irion, Lamar, Lewis, Lott, Lyons, Miller of C., Moseley, McGown, McNeill, Potter, Rains, Rodgers, Railey Runnels, Shannon, Stoddard, Stuart, Taylor, Truitt, Webb, Winkler and White—32.

Nays—Messrs. Speaker, Anderson, Armstrong, Burland, Burroughs, Bryan, Davis of L., Davis of R., Eddy, Edwards, Gilliam, Millican, Neal, Pease, Perry, Rayner, Renfro, Reagan, Robertson, Sadler, Sterne, Stout, Walling, Wheeler, Willie and Wren—26.

Motion carried, and

The House adjourned until to-morrow morning, 10 o'clock.

House of Representatives,
Austin, Dec. 31st, 1847.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names :

Messrs. Speaker, Allen, Anderson, Armstrong, Bogart, Bryan, Caruthers, Crutcher, Cunningham, Davis of L., Davis of R., Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardiman, Haynie, Irion, Lamar, Lott, Lyons, Miller of C., Millican, McNeill, Neal, Pease, Perry, Potter, Rains, Rayner, Renfro, Reagan, Robertson, Rodgers, Sadler, Shannon, Sterne, Stont, Stoddard, Stuart, Taylor, Truitt, Walling, Winkler, Wheeler, White, Willie and Wren.

A-quorum being present,

The Journal of the preceding day was read and adopted.

Mr. Stuart presented the petition of the German Texan Friendship Society, in Galveston, praying for incorporation.

Petition read, and,

On motion of Mr. Stuart, laid on the table.

Mr. Stuart presented the petition of Thomas F. McKinney, of the firm of McKinney & Williams, praying for relief.

Petition read, and,

On motion of Mr. Lamar, referred to a select committee.

The chair appointed Messrs. Lamar, Fields, Stout, Rayner and White to compose said select committee.

Mr. Rayner asked to be excused from serving on the select committee just appointed. The House refused to excuse.

Mr. Lamar asked to be excused from serving on the select committee just appointed. The House refused to excuse.

A message was received from the Senate, informing the House that the following bills, &c., had been passed by that body:

A bill to provide for the disposition of the funds received from the United States, with an amendment: and a bill to be

entitled an act locating the seat of justice of the county of Austin, with amendments : that the Senate had adopted the substitute from the House, for a joint resolution to repeal the joint resolution granting further time for the payment of government dues, and the return of field notes.

Mr. Pease, chairman of the committee on the Judiciary, made the following report :

The committee on the Judiciary, to whom was referred "a bill for the incorporation of the city of Laredo," have examined the same, and a majority of said committee, not perceiving any objections to the provisions of the bill, have directed me to report the same back to the House, and recommend its passage.

Mr. Irion, chairman of the committee on County Boundaries, made the following report :

The committee on Counties and County Boundaries, have considered "a bill to be entitled an act to amend an act supplementary to an act to create and organize the county of Panola," and have instructed me to report it back, and recommend it to the favorable consideration of the House. The committee, also, recommend the passage of a bill entitled "an act to create the county of Hays."

Report received, and the bill laid upon the table to come up with the orders of the day.

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report :

The committee on Engrossed Bills have examined a bill appropriating five thousand dollars for the contingent expenses of both Houses of the Legislature :

A bill to authorize W. J. S. Carter to adopt John Russel Butler as his son :

A bill to prohibit the Boards of Land Commissioners in each county in this State, from issuing certificates to any claimants whatsoever, unless the applicant or claimants shall previously

thereto have received a conditional certificate, from some competent Board :

A bill prescribing the proof necessary for the legal heirs or representatives of those who fell under the command of Fannin, Travis, Grant and Johnson, to obtain their headright certificates : and

A joint resolution responsive to the "Resolutions of the General Assembly of the State of Rhode Island and the Providence Plantations," and find the same correctly engrossed.

Report read and adopted.

Mr. Fields introduced a bill to be entitled an act to amend the 14th section of an act entitled "an act to organize Justices' Courts, and define the powers and jurisdiction of the same," passed May the 11th, 1846.

Bill read a first time.

Mr. Lyons introduced a "joint resolution relative to certain University lands.

Joint resolution read a first time.

Mr. Anderson introduced a bill to be entitled 'an act to amend the 4th section of an act regulating Juries," passed on the 4th day of May, 1846.

Bill read a first time.

Mr. Hardiman introduced a bill for the relief of Martin Walker.

Bill read a first time.

Mr. Perry introduced a bill to be entitled an act to regulate elections.

On motion of Mr. Gilliam, the bill was read a first time by its caption.

Mr. Edwards introduced a bill to be entitled "an act to amend an act regulating proceedings in the District Court."

Bill read a first time.

Mr. Gilliam introduced the following resolution:

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of passing a law providing for the trial and punishment of crimes and misdemeanors, com-

mitted by slaves and free persons of color; and that they report by bill or otherwise.

Resolution read and adopted.

Mr. Pease introduced "a bill to define the time of holding the District Courts in the first Judicial District."

Bill read a first time.

Mr. Keenan introduced a bill making donations of land for the purposes of education.

Bill read a first time.

Mr. Willie introduced the following resolution:

Resolved, That it shall be the standing rule of the House of Representatives to meet at 10 o'clock, a. m., and adjourn at 2 o'clock, p. m., to the regular hour on the next day; unless the orders of the day, and the business on the Speaker's table, are sooner disposed of.

Resolution read, and laid on the table one day for consideration.

Mr. Sadler introduced a "joint resolution authorizing the Comptroller of Public Accounts to provide a residence in the city of Austin, for the use of the Executive of the State."

Joint resolution read a first time.

Mr. Runnels introduced "a bill to create a lien on domestic vessels, for supplies and materials furnished them, and for repairs and labor done thereon."

Bill read a first time.

Mr. Walling introduced the following resolution:

Be it resolved by the House, That the committee on Finance be instructed to enquire and examine as to the constitutionality or practicability of the Justices of the Peace in each county and beat being elected Assessor of Taxes in their respective counties or beats; and whether or not the Sheriff of each county in this State might hold the office of Collector of State and County Taxes; and report the result of their examination and investigation of the subject to this House, as early as possible so to do, by bill or otherwise.

Resolution read and adopted.

Mr. Stout introduced the following resolution :

Resolved, That the committee on the Judiciary take into consideration the propriety of so amending the Probate Law, as to give to the District Court the exclusive jurisdiction of all successions, so far as relates to settling the accounts of executors, administrators and guardians; and in all matters relative to the sale or distribution of real estate or slaves; and that they report to this House by bill or otherwise, at as early a day as practicable.

Resolution read and adopted.

Mr. Rayner moved that the orders of the day be taken up.
Motion carried.

A bill to be entitled "an act to repeal a certain part of an act granting land to emigrants, &c.

Bill read a second time.

Mr. Runnels moved to strike out the last section.

Motion lost.

Mr. Stout moved its reference to the committee on the Judiciary.

Motion carried.

A bill to be entitled "an act to organize the militia of Newton county," was

Read a second time.

Mr. Eddy moved its reference to the committee on Military Affairs.

Motion carried.

Mr. Irion moved a reconsideration of the vote adopting the report of the committee on the Land Office, on the "bill for the erection of a fire proof building, for the use of the General Land Office."

Mr. Haynie moved to lay the motion on the table.

Motion carried.

A bill to be entitled "an act to define more definitely, the boundaries of the county of De Witt."

Was read a second time.

Mr. Stoddard moved its reference to the committee on County Boundaries.

Motion carried.

A "joint resolution for the relief of John S. McNairy."

Was read a second time and ordered to be engrossed.

A bill to be entitled "an act to change the time of holding the District Court in the 7th judicial district."

Was read a second time.

Mr. Keenan moved its reference to the committee on the Judiciary.

Motion carried.

A bill to be entitled "an act to amend the 12th section of the act of limitation, &c."

Was read a second time.

Mr. Rogers moved its reference to the committee on the Judiciary.

Motion carried.

A bill to be entitled "an act to incorporate Protection Fire Company, No. 1, city of Houston."

Was read a second time.

Mr. Anderson moved its reference to the Judiciary.

Motion carried.

A bill to be entitled "an act to incorporate and establish Guadalupe College."

Was read a second time, together with the amendments offered by the committee on the Judiciary.

Amendments adopted.

Mr. Anderson moved that the bill be engrossed.

Motion carried.

A bill to be entitled "an act to legalize in part, and more particularly define the duties of certain commissioners of Smith county."

Was read a second time.

Mr. Sterne moved its reference to the committee on the Judiciary.

Motion carried.

A bill to be entitled "an act to prevent slaves from carrying fire arms."

Was read a second time.

Mr. Bryan moved its reference to the committee on the Judiciary.

Motion carried.

By leave, Mr. Lott introduced the following resolution:

Resolved, That the committee on the Judiciary be respect-

fully requested to enquire into, and ascertain, if possible, the progress of all suits that have been commenced against Colony contractors, in this State; and report some plan for the speedy and vigilant prosecution of said suits; also, some constitutional relief that will guard and protect the rights and interests of the people that have settled within the limits of said colonies.

Resolution read and adopted.

A bill to be entitled "an act granting ferry privileges to Nancy Hutchinson,"

Was read a first time.

A bill to be entitled "an act to incorporate the Union Marine, and Fire Insurance Company."

Was read a second time, together with the amendments offered by the committee on the Judiciary.

Amendments adopted, and bill ordered to be engrossed.

A bill to be entitled "an act to ascertain the outstanding liabilities of Texas."

Was read a second time.

Mr. Willie moved its reference to the committee on Finance.

Motion carried.

A bill to be entitled "an act exempting from taxation, all property designed, and used for religious worship."

Was read a second time.

Mr. Stout moved its reference to the committee on Finance.

Motion carried.

A joint resolution requiring the Commissioner of the General Land Office to issue a patent in the name of the heirs of Wm. P. Nunn."

Was read a second time.

Mr. Willie moved its reference to the committee on Public Lands.

Motion carried.

A bill to be entitled "an act to make valid all instruments of writing, without a seal, or scrawl."

Was read a second time.

Mr. Sadler moved its reference to the committee on the Judiciary.

Motion carried.

A bill to be entitled "an act to repeal the 4th section of an act to raise a revenue by direct taxation."

Was read a second time.

Mr. Potter moved its reference to the committee on Finance.

Motion carried.

A bill to be entitled "an act authorizing any person to adopt an heir at law, by applying to the Probate court.

Was read a second time.

Mr. Neal moved to insert after the word "applying," the the words "old bachelor."

Motion carried.

Mr. Bogart moved to amend the amendment by inserting the words, "and have passed the age of forty-five," after the "bachelor."

Motion carried.

Mr. Willie moved to lay the bill and amendments on the table.

Motion carried.

On motion of Mr. Fields,

The House adjourned until 3 o'clock, p. m.

3 o'clock, P. M.

The House met pursuant to adjournment,

The roll was called, and a quorum found to be present.

"An act to provide for the disposition of the funds received from the United States," with an amendment from the Senate, was taken up.

Amendment:

"And that this act take effect from and after its passage."

Mr. Rayner moved that the amendment be adopted.

Motion carried.

"Preamble and Joint Resolutions of the Legislature of the State of Texas, requesting the Senators and Representatives of this State, in the Congress of the United States, to urge the

passage of a law for the payment of the volunteers, called out from Texas, under the requisition of Col. S. R. Curtis," were taken up.

Mr. Webb moved their engrossment.

Motion carried.

An act to repeal the 11th, 12th, 13th, and 14th sections of "an act entitled an act regulating elections."

Was read a second time.

Mr. Sadler moved its reference to the committee on Privileges and Elections.

Motion carried.

The "joint resolutions, responsive to the resolutions of the General Assembly, of the State of Rhode Island and the Providence Plantations."

Were taken up.

Mr. Mosely moved that they be read by their caption.

Motion carried.

And the joint resolutions read a third time by their caption, and passed.

A bill to authorize William J. S. Carter, to adopt John Russel Butler as his son.

Mr. Hardiman moved to lay the bill upon the table.

Motion carried.

A bill prescribing the proof necessary for the heirs and legal representatives of those who fell under the command of Fannin, Travis, Grant and Johnson, to obtain their head right certificates.

Was read a third time, and passed.

"A bill appropriating five thousand dollars, for contingent expenses of both Houses of the Legislature."

Was read a third time and passed.

A message was received from the Senate, informing the House, that "an act to amend the 11th section of an act entitled an act defining the office and duties of Coroners," approved May the 13th, 1846, had been passed by that body.

A message was received from the Senate, informing the House, that Messrs. Bache, Williams and Phillips, were appointed a Select committee on the part of the Senate, to act in conjunction with a like committee on the part of the House, in reference to the memorial of T. F. McKinney.

A bill to be entitled "an act to prohibit the Boards of Land Commissioners, in each county in this State, from issuing cer-

ificates to any claimant whatsoever, unless the applicant, or claimant, shall, previously thereto, have received a conditional certificate from some competent board."

Was read a third time, and passed.

A bill, supplementary to "an act to organize the county of Upshur."

Was read a second time.

Mr. Taylor moved its engrossment.

Motion carried.

A message was received from the Senate, informing the House, that the Senate had passed a substitute for "a bill (originated in the House,) to provide for the repairs necessary on the public buildings, in the city of Austin."

Mr. Robertson moved that the substitute be adopted.

Motion carried.

"A bill for the relief of those persons who are indebted to the State on account of public dues, payable in the Promissory Notes of the late Republic of Texas."

Was read a second time.

Mr. Pease moved the engrossment of the bill.

Motion carried.

"A bill authorizing persons who have received donation certificates, under the provisions of an act granting lands to those who were in the battle of San Jacinto, and other battles, approved, December the 20th, 1837, to alienate said certificates, and the lands acquired under them."

Was read a second time.

Mr. Walling offered the following amendment:

"Provided, that the provisions of this act shall not extend to Jesse Walling, John C. Walling, Robert W. Smith and Jacob Lewis."

Amendment adopted.

Mr. Anderson moved the engrossment of the bill.

Motion carried.

A bill requiring County Clerks to perform certain duties.

Was read a second time.

Mr. Eddy moved the reference of the bill to the committee on the Judiciary.

Motion carried.

The report of the select committee, appointed to examine the claims of Commodore Moore,

Was taken up.

Mr. Willie moved its adoption.

Mr. Pease moved that the report lie on the table.

The yeas and nays were then called on the motion of Mr. Pease, and stood as follows:

Yeas—Messrs. Speaker, Allen, Bryan, Caruthers, Davis of Liberty, Davis of Robertson, Eddy, Fields, Gilliam, Goode, Hardiman, Keenan, Lott, Miller of Colorado, Moseley, McCown, McNeill, Pease, Perry, Rains, Rayner, Renfro, Reagan, Raily, Runnels, Sadler, Shannon, Sterne, Stout, Stoddard, Stuart, Taylor, Truit, Webb, Walling, Winkler, Wheeler, White and Wren—39.

Nays—Messrs. Anderson, Armstrong, Bogart, Crutcher, Epperson, Haynie, Irion, Lamar, Lyons, Millican, Neal, Potter, Robertson, Rogers and Willie—15.

Motion carried.

Mr. Anderson moved that the report be made the special order of the day for Monday next.

Motion carried.

Mr. Anderson introduced the following resolution:

Resolved, That the committee on Finance be instructed to enquire into the propriety of dispensing with the clerks in the Comptroller's Office—of the clerks in the offices of the Secretary of State, and Adjutant General, and such other officers as the interest of the State may require, and report the result of their enquiry.

Resolution adopted.

A message was received from the Senate, informing the House that the Senate had passed a bill to reserve one of the public buildings in the city of Austin for the use of the Supreme Court.

On motion of Mr. Webb,

The rule requiring bills to be read three several days, was suspended, and the bill was read a second time.

On motion of Mr. Gilliam,

The rule was further suspended.

And the bill was read a third time and passed.

Mr. Bryan moved that Mr. Runnels be added to the select

committee appointed to enquire into the most expeditious method of settling the public debt.

Motion carried.

On motion of Mr. Gilliam, the House adjourned until 10 o'clock, on Monday next.

House of Representatives,
Austin, Jan. 3, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names :

Messrs. Speaker, Allen, Armstrong, Bogart, Burroughs, Caruthers, Crutcher, Cunningham, Davis of L., Davis of R., Dooley, Eddy, Edwards, Epperson, Gilliam, Goode, Hardiman, Lamar, Lewis, Lott, Lyons, Miller of C., Milcan, Moseley, Neal, Pease, Perry, Potter, Rains, Rayner, Renfro, Rodgers, Railey, Shannon, Sterne, Stout, Stoddard, Taylor, Truit, Webb, Walling, Wille, Winkler, Wheeler and White.

A quorum present.

The Journal of the preceding day was read and adopted.

On motion of Mr. Pease, the Hon. B. F. Tankersley, the member elect from Harris county, came forward, presented his credentials, took the oath and his seat.

Mr. Neal presented the petition of William T. Jackson: read, and,

On motion of Mr. Haynie,

Referred to the committee on Claims and Accounts.

Mr. Tankersley presented a petition from the citizens of Harris county. Read, and

On motion, referred to the committee on the Judiciary.

The following bills accompanying said petition :—

A bill to be entitled an act to regulate the estraying of neat cattle ;

A bill to be entitled an act to declare certain neat cattle estrays, and to provide for the disposal of the same ;

A bill to be entitled an act to establish a registry of brands for neat cattle, and to regulate the branding thereof.

Ordered to lie on the table, to come up among the orders of the day.

A message was received from the Senate, informing the House that the Senate had passed the following bills :

A bill to be entitled an act to admit Franklin B. Sexton, Asa H. Willie and Josiah F. Crosby to practice law in the courts of this State ;

A bill to be entitled an act to prohibit the sale or disposal of powder, lead, or spirituous liquors to Indians ;

A bill to be entitled an act to provide for a permanent location of the county seat of Grayson county ;

A bill to be entitled an act the better to define the boundaries of Grayson county ;

An act to amend the eleventh section of an act entitled an act defining the office and duties of Coroner; approved May 13th, 1846;

An act making an appropriation for the mileage and per diem pay of the members of the Legislature of the State of Texas ;

A joint resolution instructing our Senators and Representatives in Congress, to procure the passage of an act establishing two Districts for the United States Court.

Mr. Reagan, on the part of a minority of the committee on the Land Office, made the following report :

To the Hon. J. W. HENDERSON,

Speaker of the House of Representatives :

The undersigned, a minority of the committee, to which was

referred the act prescribing the mode of electing the Commissioner of the General Land Office, differing in opinion with the majority of said committee, beg leave to make a separate report.

We believe that a majority of the electors of our respective districts desire the election of the Commissioner of the General Land office to be brought directly before the people.

We subscribe to the doctrine that the representative should do the will of the represented.

We believe that the people are competent to make judicious selections of all officers necessary to execute the functions of our State government.

We believe that public policy sanctions the propriety of holding all public officers responsible directly to the people, and not dependent for their promotion to, or continuance in office on the will of a single individual or small number of persons.

The principles of our government require that the election of as few officers should be taken from the people as possible.

Make every officer responsible to the people directly, and it serves as an additional incentive to spur him to the performance of his duty. It is the frequency of elections before the people that purifies the political atmosphere. It brings about discussions upon questions of vital interest. It invites investigation, and is the means of discriminating information necessary for the public good. In no department of our government are the people more vitally interested than in the Land Office; about none is there so little known by the people generally. The undersigned are of opinion that, giving the election of this officer to the people directly, would be the means of disseminating much information among them in relation to their landed interests. But aside from this, the principle involved is of vital importance. The Constitution explicitly states what officers shall be elected by the Legislature on joint ballot. The undersigned are of opinion that it is a fair construction of that instrument, that where it is silent on the election of an officer of so much consequence as the Commissioner of the General Land Office, that it never was contemplated by its framers that he should be elected otherwise than by the people directly. The time has been when the people were considered incapable of selecting officers to preside over every department of the State; but it is no longer the case. The experiment has succeeded, and the spirit is progressive to make every office elective by

the people. The undersigned are far from believing that evils would result from such a policy, believing that the people are as capable of electing directly these officers, as they are of electing those who are to elect them; frequent elections before the people tend much to cleanse the wheels of government.

We cannot believe that it was ever contemplated that any officers were to be elected by joint ballot of the Legislature than those expressly mentioned in it, and that all others belong legitimately to the people directly; therefore, we would respectfully recommend the passage of an act with the following amendments:—After the second section insert the following as the third section:—

“Be it further enacted, That the first election by the people for Commissioner of the General Land Office shall be on the second Monday in July next, the time of the general election for county officers, and that the Chief Justices of the several counties in this state be required to forward to the Secretary of State, within five days after the tenth or return day of election, all the votes polled in their respective counties for Commissioner of the General Land Office, which votes shall be opened and counted by the Secretary of State, on the 30th day after the return day, in the presence of the Governor, Attorney General, and all the Heads of Departments, for as many of them as may be able to attend; when said votes are counted, the Secretary of State shall declare the person receiving the highest number of votes duly elected Commissioner of the General Land Office, who shall be commissioned by the Governor, and shall hold his office till the next general election for members of the Legislature, and until his successor in office shall be duly qualified.” That the third section be so amended as to make it the fourth section. All of which is respectfully submitted.

JOHN H. REAGAN,
RICHARD N. GOODE.

Mr. Cunningham, chairman of the committee on Privileges and Elections, made the following report:

The committee on Privileges and Elections, to whom were referred certain communications from S. L. B. Jasper, Esq., in relation to the election of the Hon. Wm. T. Sadler, to the Le-

gislature, have had the same under consideration, and a majority of said committee have instructed me to report that there is no evidence before the committee to show that the said Sadler was improperly returned as a member elect from the county of Houston, and to recommend that said communications be laid upon the table.

Report adopted.

Mr. Allen, chairman of the committee on Contingent Expenses, made the following report :

The committee on Contingent Expenses, to whom were referred a resolution requiring them to enquire into the several probable amounts owed to individuals for furnishing stationery, chairs, &c., for the present session of the Legislature : Also, for repairs of the Capitol since the adjournment of the preceding session, and report a bill making an appropriation for the same, have instructed me to report—That they have examined the following amounts or claims against the State, properly embraced by the resolution above referred to, and finding the same correct, recommend their payment, to wit:

Messrs. Johnson & Hamilton, for \$756 36; Lamar Moore, \$31 50; C. C. Browning \$55 00; A. D. Cook, \$294 00; George A. Davis, \$287 60. That as a bill is now before the House appropriating \$5,000 to defray the contingent expenses of both Houses of the Legislature, your committee deem it unnecessary to report at this time a bill making an appropriation to pay the accounts above specified, but recommend that they be paid out of the \$5,000 to be appropriated by the bill now before the House, inasmuch as the committee believe, after due inquiry, that the accounts herein exhibited and recommended, to be paid *in total amount*, \$1,424 89, cover all, or nearly so, of the contingent expenses incurred, to carry out the purpose expressed in the resolution. All of which is respectfully submitted.

Report adopted.

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report;

The committee on Enrolled Bills have examined an act to provide for the disposition of funds received from the United States; Also, an act making appropriations for the per diem and mileage pay of members of the Legislature, and find the same correctly enrolled; and having been signed by the Speaker of the House of Representatives and President of the Senate, were this day presented to His Excellency, the Governor, for his approval.

Report adopted.

Mr. Perry introduced an act to authorize the Governor of the State of Texas to cause the Constitution and certain laws of the State to be translated into the German and Spanish Languages.

Read a first time.

Mr. Allen introduced a bill requiring District Surveyors to discharge the duties of their offices until their successors are elected and duly qualified.

Read a first time.

Mr. Willie moved that Mr. Tankersley be added to the committee on the Judiciary, and also to the committee on Finance. Carried.

Mr. Moseley introduced a bill to be entitled an act defining the manner of transferring judgments for money.

Read a first time.

Mr. Moseley introduced a bill to be entitled an act defining the manner of trying the right of property levied on by execution, sequestration or attachment when the property is claimed by a person not a party to the execution, sequestration or attachment.

Read a first time.

Mr. Tankersley introduced a bill entitled an explanatory of, and supplementary to "an act to provide for the issuance of patents to assignees, approved Feb. 3d, 1845."

Read a first time.

Mr. Cunningham introduced a bill to create the counties of Starr, Webb and Taylor, and to define the boundaries of Nueces county.

Read a first time.

Mr. Webb introduced a bill to be entitled an act to repeal certain acts therein named.

Read a first time.

Mr. Pease moved that the report of the select committee on the claims of Commodore Moore lie on the table and be made the special order of the day for to-morrow, 10 o'clock.

Carried.

An act to validate and confirm the acts of Thos. W. Ward, Commissioner of the General Land Office.

Mr. Burroughs moved to make it the special order of the day for 20th January next.

Carried.

Mr. Stout moved to take up the orders of the day.

Carried.

An act to amend the 11th section of an act entitled "an act defining the office and duties of Coroners, approved May 13th, 1846, (Senate's bill.)

Read a first time.

An act granting a ferry privilege to Nancy Hutchinson.

Read a second time, and

On motion of Mr. Eddy,

Ordered to be engrossed.

An act to provide for locating the seat of Justice for the county of Austin, with amendments from the Senate.

Amendments adopted.

A bill for the incorporation of the city of Laredo.

Read a second time by its caption, and

On motion of Mr. Pease ordered to be engrossed.

A bill to create the county of Hays, with report of the committee on county boundaries.

Mr. Haynie moved its engrossment.

Mr. Cunningham moved to lay it on the table.

Carried.

An act supplementary to an act to create the county of Panoia.

Read a second time.

Mr. Lyons moved to strike out Parrish and McMillion and insert Robert Wyatt and George Walton.

Question on the amendment.

The yeas and nays being called for, stood,

Yeas—Messrs. Armstrong, Bogart, Bourland, Bryan, Crutcher, Davis of R., Dooley, Edwards, Gilliam, Hardiman, Lamar, Lyons, Miller of C., McNeill, Pease, Potter, Rains, Rayner, Renfro, Reagan, Robertson, Shannon, Stoddard, Stuart, Walling, Wheeler, White and Wren—28.

Nays—Messrs. Speaker, Allen, Cunningham, Epperson, Fields, Goode, Haynie, Irion, Keenan, Lott, Millican, Moseley, McCown, Neal, Perry, Runnels, Sadler, Sterne, Stout, Taylor, Truitt, and Winkler—22.

Mr. Gilliam asked to be excused from voting.

House refused to excuse.

Mr. Taylor moved that it be re-referred to the committee on county boundaries.

Carried.

An act to amend the 14th section of an act entitled an act to organize Justices courts and to define the powers and jurisdiction of the same, passed May 11th, 1846.

Read a second time, and

On motion of Mr. Fields, referred to the committee on the Judiciary.

Mr. Potter in the Chair.

A Joint Resolution relative to certain university lands in the Nacogdoches land district.

Read a second time.

Mr. Walling moved to refer to the committee on Public Lands.

Mr. Sterne moved to lay it the table until the 5th day of February next.

Carried.

Speaker in the Chair.

An act to amend the 4th section of an act regulating Juries, passed 4th May, 1846.

Read a second time, and

On motion of Mr. Stout, referred to the Judiciary committee.

A bill for the relief of Martin Walker.

Read second time, and

On motion of Mr. Stout, ordered to be engrossed.

A bill to be entitled an act regulating elections was taken up.

Mr. Willie moved the bill be read by its caption and referred to the committee on privileges and elections.

Carried.

A bill to be entitled an act making appropriation of Land for the purpose of education.

Read a second time, and

On motion of Mr. Moseley, referred to the committee on education.

A bill to be entitled an act the better to define the northern boundaries of Cowin county.

Mr. Bogart moved to read the bill by its caption and that it be engrossed.

A resolution fixing the meetings and adjournments of the House.

Read a second time.

Mr. Moseley moved to strike out "10" before "o'clock," and insert "9."

Lost.

Mr. McCown moved to insert the words "and shall continue in force for two weeks."

Carried.

Mr. Willie moved to lay the resolution on the table.

Carried.

A Joint resolution authorizing the Comptroller of public accounts to procure a private residence for the Executive of the State.

Read a second time.

Mr. Bogart moved the engrossment of the resolution.

Mr. Irion moved to lay the resolution on the table.

The yeas and nays being called for, stood,

Yeas—Messrs. Speaker, Allen, Burroughs, Bryan, Eddy, Hardiman, Irion, Miller of C., Pease, Rains, Runnels, Stout, Stoddard, Truitt, Walling, Winkler and White—17.

Nays—Messrs. Bogart, Bourland, Crutcher, Cunningham, Davis of L., Dooley, Edwards, Epperson, Fields, Gilliam, Goode, Haynie, Keenan, Lewis, Lott, Lyons, Millican, Mosely, McNeill, Neal, Perry, Potter, Rayner, Reagan, Robertson, Sadler, Shannon, Sterne, Stuart, Taylor, Webb, Wheeler, Willie and Wren—34.

Lost.

And on motion of Bourland referred to the committee on State Affairs.

A bill to be entitled an act to amend an act regulating proceedings in the District Courts,

Read a second time, and ~~on~~

On motion of Mr. Edwards, referred to the Judiciary committee.

A bill to be entitled an act defining the time of holding the District Courts in the first Judicial District.

Read a second time, and

On motion of Mr. Potter, referred to the Judiciary Committee.

A bill to be entitled an act to create a lien on domestic vessels for supplies, materials on work done thereon, &c.

Read a second time, and

On motion of Mr. Potter referred to the Judiciary Committee.

On motion of Mr. Allen,

Leave of absence was granted the Hon. John D. Anderson until his health be restored.

On motion of Mr. Allen,

Mr. Dooley was added to the committee on State Affairs.

Mr. Pease moved to take up the bills from the Senate.

Carried.

A bill to be entitled an act for the permanent location of the county seat of Grayson county;

Read a first time.

A bill to be entitled an act better to define the boundary of Grayson county.

Read a first time.

* A bill to be entitled an act to prohibit the sales of powder, lead and spirituous liquors to Indians.

Read a first time.

* A bill to be entitled an act to E. B. Sexton, Asa H. Willie and Josiah J. Crosby to practice law in all the courts of this State,

Read a first time.

* A Joint Resolution instructing our Senators and Representatives in Congress to procure the passage of an act creating two Districts for the United States Court in Texas.

Read a first time.

By leave Mr. Neal introduced the following preamble and resolution:

Whereas, James K. Polk, President of the United States, in his message delivered before Congress in December, 1847, has referred to that portion of New Mexico east of the Rio Grande, and lying within the limits of the State of Texas, in such language as should require the attention of the Legislature of the State of Texas.

And whereas, heretofore the Congress of Texas, has by law defined the boundaries as to the limits of territory extending northward, belonging to the late Republic of Texas, and having by our arms maintained the same—Therefore be it

Resolved, That a special committee be appointed by the Speaker, who shall take into consideration the foregoing matter, and report to this House at the earliest practicable period, such measures as will be expedient to establish our rights to said territory, and to extend the jurisdiction of the State of Texas over the same, and to make such other provisions as will enable the Executive of this State to adjust the question of boundary between the United States Territories and the State of Texas, should we forever acquire by treaty the Province of New Mexico.

Read and adopted:

The chair appointed Messrs. Neal, Dooley, Tankersley, Wren and Edwards said committee.

On motion of Mr. Crutcher, the House adjourned until tomorrow morning, 10 o'clock.

House of Representatives,
City of Austin, January 4th, 1848.

The House met pursuant to adjournment.

The roll was called;

And the following members answered to their names :

Messrs. Speaker, Allen, Armstrong, Bogart, Burroughs, Caruthers, Crutcher, Cunningham, Davis of L., Davis of R., Doolley, Eddy, Edwards, Epperson, Gilliam, Goode, Hardiman, Lamar, Lewis, Lott, Lyons, Miller of C., Millican, Moseley, Neal, Pease, Perry, Potter, Rains, Rayner, Benfro, Rodgers, Railey, Shaw, Sterne, Stout, Tankersley, Taylor, Truitt, Webb, Walling, Winkler, Wheeler, White, and Willie.

A quorum present.

The Journal of the preceding day was read and adopted.

Mr. Rayner presented the petition of Robert H. Beak.
Read, and

On motion of Mr. Rayner, referred to the committee on Public Lands.

Mr. Bryan presented the petition of Thos. G. Masterson.
Read, and

On motion of Mr. Bryan, referred to the committee on Public Lands.

The chair announced a petition on the Speaker's table from many citizens of Harris county, in relation to the colored woman, Lily.

On motion of Mr. Gilliam, referred to the committee on State Affairs.

Mr. Eddy asked leave to withdraw the petition of Starling McGreer.

Granted.

Mr. Pease, chairman of the committee on the Judiciary, made the following report:

The committee on the Judiciary, to whom was referred "an

act to incorporate Protection Fire Company No. 1, city of Houston, have considered the same, and a majority of said committee not perceiving any objection to the provision of said act, have directed me to report the same to the House, and recommend its passage.

E. M. PEASE, Chairman.

Report received and bill to come up among the orders of the day.

Mr. Stuart, chairman of the committee on Finance, made the following report:

The committee on Finance, to whom was referred the bill providing for the remuneration of tax assessors for having discharged the duty of making an enumeration of the inhabitants of their respective counties have had the same under consideration, and report the accompanying substitute for the same:

Report adopted, to come up among the orders of the day.

Mr. Webb, chairman of the committee on Federal Relations, made the following report:

Your committee on Federal Relations, to whom was referred the joint resolutions introduced by Mr. Lamar, protesting against the relinquishment to Mexico of the country south and west of the Rio Grande, conquered by and in possession of the United States, have maturely considered the same, and beg leave to report: that the committee are of opinion that Texas should take a firm stand upon the subject of the war and slavery, and make known her views in a formal manner. It is politic, wise, and just, that the United States should receive indemnity from Mexico for the injuries and aggressions heaped upon the United States, and also for the expense of the war. In view of this fact the committee think that we should request our Senators and Representatives in Congress to protest against

the relinquishment of any Mexican territory now in possession of the United States, unless Mexico shall make complete and full indemnity for the expenses of this war, and also for injuries and aggressions inflicted upon the United States.

Your committee further think that the Legislature should express its views upon the right of citizens of the Union to emigrate to any part of the United States with their property. It is true that in the joint resolution already reported to the House; responsive to joint resolutions laid before us from other States, the opinion of the House upon this last subject has been expressed, but it is the opinion of your committee that the views of the Legislature should be expressed upon this subject; in the form of an original joint resolution not responsive to any other resolution—your committee, therefore, recommend the accompanying joint resolution as a substitute for the joint resolution referred to them.

Report received, and

On motion of Mr. Willie, substitute ordered to lie on the table, and be made the order of the day for to-morrow.

Mr. Irion, chairman of the committee on County Boundaries, made the following report:

The committee on County Boundaries beg leave to report and unanimously recommend to the House the passage of an act entitled an act to define more correctly the boundaries of De Witt county.

Report received, and bill ordered to lie on the table to come up among the orders of the day.

Mr. Haynie, chairman of the joint committee on Post Routes made the following report:

The joint committee on Post Routes, beg leave to submit a joint resolution, and recommend its passage.

W. C. ABBOTT,
Chairman on the part of the Senate.

S. G. HAYNIE,
On the part of the House.

Report received, and resolution ordered to lie on the table, to come up among the orders of the day.

The chair decided that bills reported should lie on the table, and come up among the orders of the day, without reading.

Mr. Sadler appealed from the decision of the chair.

Mr. Haynie moved that the resolution just reported be read.

Carried, and the same read a first time.

Mr. Fields, chairman of the committee on Printing, made the following report:

The committee on Printing have made the necessary inquiry "why the journals of the House of Representatives of the first State Legislature have not been published," as instructed by a resolution of the House adopted on the 30th ultimo, and have been informed by the public printer as a reason of the delay that the Legislature made no provision for transcribing the journals, and that therefore he could procure no copy for publication.

The committee also called at the office of the Secretary of State, but were informed by the Secretary that, in consequence of the late changes in that office, no further information could at present be given.

Read and adopted.

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills have examined the following bills :

“An act authorizing persons who have received donation certificates, under the provisions of an act granting lands to those who were in the battle of San Jacinto and other battles, approved Dec. 20th, 1837, to alienate said certificates and the lands acquired under them.

“An act supplementary to an act to organize the county of Upshur.”

“An act for the relief of those persons who are indebted to the State on account of public dues, payable in the Promissory Notes of the late Republic of Texas.

Joint Resolution for the relief of John S. McNairy.

Preambles and Joint Resolutions of the Legislature of the State of Texas, requesting the Senators and Representatives of Texas, in the Congress of the United States, to urge the passage of a law for the payment of the Volunteers called out by this State, under the requisition of Col. S. R. Curtis.

“An act to incorporate the Union Marine and Fire Insurance Company.”

“An act to incorporate and establish Guadalupe College.”

And find the same correctly engrossed.

Report adopted.

Mr. Potter, chairman of the Select committee, appointed to examine the accounts of Commodore Moore, made the following supplemental report:

The majority of the Special committee, to whom was referred the report of the Comptroller, relative to the claims of E. W. Moore, Post Captain, commanding the late Navy of Texas, having further deliberated upon the matter referred to them, and upon which they reported on a former day, beg leave again to report and offer the accompanying resolutions, which they recommend to the favorable consideration of the House of Representatives.

The resolutions only place the accounts upon the same footing as if they had been audited by the proper accounting officer of the late Republic of Texas.

Read and adopted, and

Bills ordered to lie on the table, to come up among the orders of the day.

The chair announced that the hour had arrived which was fixed to take up the report of the committee appointed to examine the accounts of Commodore Moore.

On motion of Mr. Willie, the report was adopted.

Mr. Bourland introduced a resolution that a committee of five be appointed by the chair to present to the House such amendments to the standing rules of the House as they may deem expedient for the dispatch of business.

Read and adopted.

Whereupon the chair appointed Messrs. Bourland, Tankersley, Pease, Sadler and Willie, said committee.

Mr. Davis of Robertson, introduced a resolution, that with the concurrence of the Senate, the House of Representatives will proceed to hold an election for District Attorneys on Friday, 7th inst.

Mr. Willie moved to change the time to Friday, 21st inst., Carried.

Ordered to lie on the table one day for consideration.

Mr. Irion introduced a resolution to request the committee on the Judiciary to enquire into the expediency of changing the jury law, so that no petit juror shall be compelled to serve more than one week at any one term of the District court.

Adopted.

Mr. Truit introduced an act to repeal, in part, the first and fourth section of an act to amend an act entitled an act regulating attachments, approved 4th Feb. A. D. 1841.

Read a first time.

Mr. Stout introduced an act defining the southern boundary line of Titus county.

Read a first time.

Mr. Pease moved to take up the orders of the day.

*Carried.

An act to incorporate Protection Fire Company, No. 1, city of Houston.

Read a second time, and

Ordered to be engrossed.

A message was received from the Senate informing the House that the Senate had passed a joint resolution authori-

zing the Adjutant General to issue bounty land warrants to Elijah D. Holland.

And likewise,

An act to provide for permanently fixing the seat of justice of the county of Dallas.

An act to authorize and require the Governor of the State of Texas, to cause the Constitution and certain laws of the State to be translated into the German and Spanish languages.

Read a second time, and

On motion of Mr. Haynie,

Referred to the committee on State Affairs.

A bill to be entitled an act defining the manner of transferring judgments for money.

Read a second time, and

On motion of Mr. Gilliam,

Referred to the committee on the Judiciary.

An act requiring District Surveyors to discharge the duties of their office, until their successors are elected and duly qualified.

Read a second time, and

On motion of Mr. Allen,

Referred to the committee on the Judiciary.

A bill to be entitled an act to declare certain neat cattle estrays, and to provide for the disposal of the same.

Read a first time.

A bill to be entitled an act to regulate the killing of neat cattle.

Mr. McNeal moved that the bill be read by its caption.

Carried.

A bill to be entitled an act to establish a registry of brands for neat cattle, and to regulate the branding thereof.

Mr. McNeal moved to read by the caption.

Carried, and bill

Read a first time.

The report of the minority of the committee on the Land Office, was taken up, and

Read.

Mr. Willie moved to take up the report of the majority committee on the Land Office, on the bill to change the mode of electing the Commissioner of the General Land Office.

Carried.

Mr. Armstrong moved to lay both reports on the table till the first day of February next.

Mr. Cunningham moved to lay on the table.

Lost.

Mr. Willie moved the previous question.

Mr. Epperson moved to lay on the table till the 12th of January.

Carried.

A bill to be entitled an act to create the counties of Starr, Webb and Taylor, and to define the boundaries of Neveces county.

Was read, and

On motion of Mr. Sadler,

A second time by its caption, and referred to the committee on County Boundaries.

A bill to be entitled an act explanatory of, and supplemental to an act authorizing the Commissioner of the General Land Office to issue patents to assigns, &c.

Read a second time, and

On motion of Mr. Tankersley,

Referred to the Judiciary committee.

A bill to be entitled an act to define the mode of trying the right of property levied on under execution, &c.

On motion of Mr. Potter,

Was read a second time by its caption, and referred to the Judiciary committee.

A bill to be entitled an act to repeal certain acts therein named.

Read a second time, and

On motion of Mr. Webb,

Referred to the Judiciary committee.

A bill to be entitled an act to provide for the permanent location of the seat of justice of Grayson county.

Read a second time, and

On motion of Mr. Gilliam,

Passed to a third reading.

A bill to be entitled an act better to define the boundaries of Grayson county.

Read a second time, and

On motion of Mr. Bogart,

Passed to a third reading.

A bill to be entitled an act to amend the 11th section of an act defining the office and duties of Coroner, &c.

Read a second time, and

On motion of Mr. Sadler,

Referred to the Judiciary committee.

A bill to be entitled an act to admit F. B. Sexton, Asa H. Willie and Josiah F. Crosby to practice law in all the courts of this State.

Read a second time, and

On motion of Mr. Wheeler,

Passed to a third reading.

A bill to be entitled an act to prohibit the sale of powder, lead, and spirituous liquors to indians.

Read a second time.

Mr. Stout moved to refer to the Judiciary committee.

Mr. Davis of Robertson moved to amend, by striking out powder and lead.

Lost.

The question on Mr. Stout's motion was then taken and carried.

A joint resolution instructing our Senators and Representatives in Congress to procure the passage of a law making two judicial districts for the United States Court in Texas.

Read a second time.

Mr. Armstrong moved to refer to the Judiciary committee.

Mr. Bogart moved to strike out "Clarksville" and insert "Bonham."

Lost.

Mr. Reagan moved to strike out the words "Clarksville, Huntsville, city of Austin, and such other places as he may deem necessary," and insert "Springfield, Limestone county."

On motion of Mr. McNeill, the question was taken and carried, on the reference to the Judiciary committee.

A bill to be entitled an act authorizing the donees of San Jacinto certificates to sell the same in *fee simple*.

Read a third time and passed.

A bill to be entitled an act supplementary to an act to organize the county of Upshur.

Read a third time and passed.

Mr. Neal moved the House adjourn until 2 o'clock, p. m.

Lost.

A bill to be entitled an act for the relief of those indebted to the State on account of public dues.

Read a third time and passed.

A joint resolution for the relief of Jno. S. McNary.

Read a third time and passed.

Preamble and resolutions requesting our Senators and Representatives in Congress to procure the passage of a law to pay the volunteers who turned out under the call of Col. Curtis.

Read a third time by its caption, and passed.

A bill to be entitled an act to incorporate the Union Marine and Fire Insurance Company.

Read a third time and passed by the following vote:

Yeas—Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Caruthers, Crutcher, Cunningham, Davis of L., Davis of R., Dooley, Edwards, Epperson, Gilliam, Goode, Hardiman, Haynie, Irion, Keenan, Lamar, Lewis, Lyons, Miller of C., Millican, Moseley, McCown, McNeill, Pease, Perry, Potter, Rayner, Reagan, Rodgers, Runnels, Sadler, Shannon, Sterne, Stout, Stuart, Tankersley, Taylor, Truitt, Webb, Walling, Winkler, Wheeler, White, Willie and Wren—51.

Nays—Mr. Rains—1.

A bill to be entitled an act to incorporate and establish Guadalupe College.

Read a third time and passed by the following vote:

Yeas—Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Caruthers, Crutcher, Cunningham, Davis of L., Davis of R., Dooley, Eddy, Edwards, Epperson, Gilliam, Goode, Hardiman, Haynie, Irion, Keenan, Lamar, Lewis, Lyons, Miller of C., Millican, Moseley, McCown, McNeill, Pease, Perry, Potter, Rayner, Reagan, Rodgers, Runnels, Sadler, Shannon, Sterne, Stout, Stuart, Tankersley, Taylor, Truitt, Winkler, Wheeler, Willie and Wren—49.

Nays—Messrs. Fields, Rains, Walling, and White—4.

A joint resolution protesting against the relinquishment to Mexico of the territory south and west of the Rio Grande, conquered by and in possession of the United States.

Read a second time, and laid on the table, to come up among the orders of the day, together with the substitute offered by the committee on Federal Relations.

Mr. Epperson, by leave introduced the following resolution :

Resolved, That a select committee of five be appointed to act in conjunction with a like committee to be appointed upon the part of the Senate, to act as a committee of arrangements preparatory to the celebration of the 8th of January.

Read a first time and rejected.

Mr. Cunningham, by leave introduced a bill to be entitled an act concerning fraudulent and conditional titles, derived from the governments of Spain, Mexico, and Coahuila and Texas.

Read a first time.

Mr. Armstrong, by leave introduced a bill to be entitled an act concerning certain land laws.

Read a first time.

Mr. Armstrong, by leave, introduced a joint resolution authorizing and requesting the Governor to collect for the use of the State, certain laws and documents relating to land titles.

Read a first time.

Mr. Fields, by leave, introduced the following resolution :

Resolved, That one of the standing rules of this House shall be, that any member may, by leave, withdraw a bill for amendment, (if in possession of the House,) at any time before its engrossment ; but no bill shall be kept by a member for such purpose longer than 24 hours, nor shall amendments be made except in writing, on a separate piece of paper.

Read and laid on the table one day for consideration.

On motion of Mr. Taylor, the House adjourned until tomorrow morning, 10 o'clock.

House of Representatives,
City of Austin, Wednesday, Jan. 5th, 1848.

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Allen, Bogart, Bourland, Burroughs, Bryan, Caruthers, Crutcher, Cunningham, Davis of L., Davis of R., Dooley, Eddy, Edwards, Epperson, Gillaim, Goode, Hardiman, Haynie, Irion, Keenan, Lyons, Miller of C., Millican, Moseley, McNeill, Pease, Perry, Potter, Rains, Rayner, Renfro, Reagan, Robertson, Rodgers, Railey, Runnels, Sadler, Shannon, Sterne, Stout, Stuart, Tankersley, Taylor, Truitt, Webb, Walling, Winkler, Wheeler, Willie and Wren.

Mr. Tankersley presented the petition of Charles Shearn.

Read, and on motion of Mr. Tankersley, referred to the committee on Finance.

Mr. Reagan presented the petition of the citizens of Henderson county.

Read, and on motion of Mr. Reagan, referred to the committee on County Boundaries.

Mr. Sterne presented a petition from the citizens of Cherokee county.

Read and referred to the committee on County Boundaries.

Mr. Stuart, chairman of the committee on Finance, made the following report:

The committee on Finance, to which was referred sundry petitions, praying the Legislature for a remission of license-taxes in behalf of decrepid and disabled persons, have had the same under consideration, and beg leave to report, that they do not deem it expedient for the Legislature to grant the exemption proposed. To the same committee a resolution was referred, directing them to enquire into the expediency of constituting Justices of the Peace as Assessors of Taxes. The committee having examined the subject, are of opinion that the proposed change would not be beneficial.

In relation to the resolution instructing the committee to enquire into that subject, they are of opinion that the clerks in the

office of the Comptroller and Secretary of State cannot be dispensed with without detriment to the public service. There appears to be no clerk provided by law for the office of Adjutant General, and the committee cannot therefore recommend the abolishment of such an office. In relation to the resolution on this subject, the committee also report unfavorably to the granting of power to the County Court to assess the value of lands for taxation.

A majority of the committee have also instructed the chairman to report against the resolution authorizing appeals to the County Courts in cases of the errors or improper assessment, or rendering, for assessment, of property for taxation.

There are other important matters before the committee, for the proper consideration of which further time will be required, and is asked of the House.

Report adopted.

Mr. Allen, chairman of the committee on State Affairs, made the following report :

The committee on State Affairs, to whom was referred a resolution instructing the committee to enquire into the propriety of abolishing the office of Adjutant General of the State, have, after due consideration of the same, instructed me to report that instead of it appearing expedient to abolish said office, the committee are decidedly of opinion that it should be continued—such an office being, as they believe, absolutely necessary at this time, and it is recommended therefore that said resolution be laid upon the table, *indefinitely*.

Adopted.

Mr. Allen, chairman of the committee on Affairs of State, also made the following report :

The committee on State Affairs, to whom was referred a joint resolution respecting the incorporation of a portion of the conquered Provinces or States of the Republic of Mexico into the State of Texas, with the consent of the United States, and respecting a cession of a portion of the northern section of Texas to the United States, have had the same under consideration,

and a majority have instructed me to report the same back to the House without action, and to request, respectfully, that the committee be discharged from the further consideration of the resolution.

Adopted.

Mr. Irion, chairman of the committee on County Boundaries made the following report:

The committee on Counties and County Boundaries, have considered, and recommend the passage of a bill entitled an act better defining the northern boundary line of Collin county. They have also reconsidered a bill entitled an act to amend an act supplementary to an act to create and organize the county of Panola, and after due and impartial investigation, and the best information to be had, from maps of the Land office, as well as the evidence of persons acquainted with the geography and situation of that county, and the known wishes of a large portion of its inhabitants. A majority of said committee are forced still to adhere to their former opinions, and have instructed me to report it back to the House, and most respectfully recommend the passage of the original, without any amendments whatever, and ask to be discharged from its further consideration.

Read and to come up among the orders of the day.

Mr. Bryan, Chairman of the committee on engrossed bills, made the following report:

The committee on engrossed bills have examined "an act for the relief of Martin Walker."

"An act granting a ferry privilege to Nancy Hutchinson."

A bill for the incorporation of the city of Laredo.

And find the same correctly engrossed.

Adopted.

Mr. Burroughs, Chairman of the committee on Enrolled Bills made the following report:

The committee on enrolled bills have examined an act to provide for repairs necessary on public buildings in the city of Austin, and find the same correctly enrolled; and having been signed by the Speaker of the House of Representatives and President of the Senate, was this day presented to his Excellency the Governor for his approval.

Adopted.

Mr. Neal introduced an act requesting Justices of the Peace to pay into the County Treasury certain fines and penalties by them assessed and collected.

Read a first time.

Mr. Taylor introduced a bill to be entitled an act to provide for the enumeration of the inhabitants of the State of Texas in the year 1848.

Read a first time.

Mr. Reagan introduced an act to create the county of Kaufman.

Read a first time.

Mr. Lott introduced an act to create the county of Van Zandt.

Read a first time.

The Chair announced the hour for taking up the report of the committee on Federal Relations on the Joint Resolution instructing our Senators and Representatives to protest against relinquishing any Mexican territory conquered by and in the possession of the United States with the substitute offered by said committee.

Mr. Stuart moved to reconsider the vote passing a bill to authorize the holders of donation certificates to transfer the same in fee simple.

Mr. Gilliam moved to lay the motion on the table.

Carried.

Mr. Bourland moved to take up the order announced by the Speaker.

Carried.

Resolution and substitute read.

Mr. Lamar moved the adoption of the substitute.

Carried.

Mr. Stuart moved that the Clerk be instructed to withdraw the bill from the Senate, passed in favor of the donees of San Jacinto and other battles; and authorizing the alienation of the certificates and lands acquired thereby.

Carried.

Mr. Pease moved the engrossment of the substitute reported by the committee on Federal Relations.

Mr. Fields moved to amend by inserting the word "all" after the words "by treaty or otherwise."

Lost.

Question on the engrossment of the bill.

Carried.

Mr. Moseley introduced a bill to be entitled an act to provide a summary remedy for securities against their principals.

Read a first time.

Mr. Rayner in the chair.

A message was received from the Senate returning the bill authorizing persons who have received donation certificates for being in the battle of San Jacinto and other battles to alienate the same.

Mr. Potter introduced an act to provide for revising the statute laws of this State.

Read a first time.

Mr. Bogart introduced a bill entitled an act better defining the Southern boundary line of Collin and Denton counties and northern boundary line of Dallas and Henderson counties.

Read a first time.

Mr. Tankersley introduced a bill to be entitled an act to suppress gaming.

Read a first time.

Mr. Robertson introduced a resolution to instruct the committee on the Land Office to enquire what fees have been charged at the Land Office (if any) and by whom and if any, under what law said charges were made, and the probable amount of said fees per annum and that said committee have power to send for persons and papers.

Read and adopted.

Mr. Millican introduced a bill making it a penal offence to burn the woods and prairies.

Read a first time.

Mr. Edwards moved to take up the orders of the day.
Carried.

A bill to incorporate the city of Larado.

On motion of Mr. Stout,

Read by its caption a third time and passed by the following vote.

Yeas—Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan Caruthers, Crutcher, Cunningham, Davis of L., Davis of R., Dooley, Edwards, Epperson, Giliam, Goode, Hardiman, Haynie, Irion, Keenan, Lamar, Lewis, Lott, Lyons, Miller of C., Millican, Moseley, McCown, McNeal, Pease, Potter, Rayner, Reagan, Robertson, Runnels, Sadler, Shannon, Stout, Stoddard, Stuart, Tankersley, Taylor, Truitt, Webb, Walling, Winkler, Wheeler, Willie and Wren—50.

Nays—Messrs. Perry and Rains—2.

A bill to be entitled an act to regulate the killing of neat cattle.

On motion of Mr. Tankersley,

Read by its caption, a second time, and referred to the committee on Judiciary.

A bill to be entitled an act to establish a registry of brands for neat cattle and to regulate the branding thereof.

On motion of Mr. Tankersley,

Read by its caption a second time and referred to the committee on the Judiciary.

A bill to be entitled an act to declare certain neat cattle estrays.

Read by its caption a second time, and referred to the Judiciary committee.

A bill entitled an act to repeal in part the first and fourth sections of an act "to amend an act entitled an act regulating attachments, approved 4th February, A. D. 1841.

Read a second time, and

On motion of Mr. Dooley, referred to the committee on Judiciary.

A bill entitled an act defining the southren boundary line of Titus county.

Read a second time.

Mr. Moseley moved to refer to the committee on county boundaries.

Mr. Taylor moved to amend by inserting, provided it does not take any portion of Upshur county.

A message was received from the Senate informing the House that the Senate had passed a bill to be entitled an act to change the name of Robert Franklin Sypert to Robert Franklin Miller.

Also, a Joint Resolution authorizing the Commissioner General of the Land Office to issue a patent to Adolphus Sterne assignee of Maria Josefa Sanches.

Likewise a bill to be entitled an act to legitimise certain children of Benjamin Bryant.

Question, on reference to committee on county boundaries of the act defining the southern boundary line of Titus county was taken up and carried.

A bill entitled an act amending certain land laws.

Read a second time and on motion referred to the committee on the Judiciary.

The Speaker in the chair.

A bill to be entitled an act to admit Franklin B. Sexton, Asa H. Willie and Josiah F. Crosby to practice law in the courts of this State, (Senate's bill.)

Read a third time and passed.

A bill to be entitled an act the better to define the boundaries of Grayson county: Senate's bill.

Read a third time by caption,

On motion of Mr. Bogart and passed.

A resolution fixing the time for holding an election for District Attorneys.

Read.

Mr. Bourland moved to lay it on the table.

Carried.

A bill to be entitled an act better to define the boundaries of DeWitt county,

Was read a second time, and

On motion of Mr. Stoddard ordered to be engrossed.

On motion of Mr. Haynie,

The bill to create the county of Hays was taken from the table and placed among the orders of the day.

A Joint resolution for the relief of Assessors and Collectors of Taxes.

Read a second time, and

On motion of Mr. Gilliam,

Ordered to be engrossed.

A resolution amending the Standing Rules of the House was read, and

On motion of Mr. Fields,

Referred to the select committee appointed to draft rules for the government of the House.

A joint resolution authorizing the Governor to collect certain land laws relative to certain titles.

Read a second time, and

On motion of Mr. Armstrong,

Referred to the Judiciary committee.

A bill to be entitled an act concerning fraudulent and conditional titles, &c.

Read a second time, and

On motion of Mr. Cunningham, referred to the Judiciary committee.

A joint resolution for the relief of persons who furnished supplies to E. W. Moore, late Post Captain Texas Navy.

Read a first time.

A joint resolution providing for the settlement of the accounts of E. W. Moore, late Post Captain Texas Navy.

Read a first time.

A joint resolution instructing our Senators and requesting our Representatives in Congress to procure the passage of a law giving the State additional mail service.

Read a first time.

Mr. Haynie moved to suspend the rule.

Lost.

A joint resolution authorizing the Adjutant General to issue a land warrant to Elijah D. Holland.

Read a first time.

Mr. Bryan, chairman of the committee on Engrossed Bills, reported that they have examined an act to incorporate "Protection Fire Company No. 1, city of Houston," and find the same correctly engrossed.

Read and adopted.

A bill to be entitled an act to provide for the permanent location of the seat of Justice of Dallas county.

Read a first time.

A bill to be entitled an act to incorporate Protection Fire Company No. 1, city of Houston.

Read third time and passed by the following vote :

Yeas—Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Caruthers, Crutcher, Cunningham, Davis of L., Davis of R., Dooley, Eddy, Edwards, Epperson, Gilliam, Goode, Hardiman, Haynie, Irion, Keenan, Lewis, Lott, Lyons, Miller of C., Millican, Neal, McNeill, Pease, Perry, Potter, Rayner, Renfro, Reagan, Robertson, Runnels, Sadler, Shannon, Sterne, Stout, Stuart, Tankersley, Taylor, Truitt, Walling, Winkler, Wheeler, Willie and Wren—50.

Nays—Messrs. Fields and Rains—2.

A bill to be entitled an act for the relief of Martin Walker.

Read a third time and passed.

A bill to be entitled an act granting a Ferry privilege to Nancy Hutchinson.

Read a third time and passed.

On motion of Mr. Stuart,

The motion to reconsider the vote passing a bill giving the

donees of San Jacinto certificates the right to sell in fee simple, was taken up.

The question on the re-consideration was taken and carried, and

On motion of Mr. Bourland,

Bill laid on the table..

A bill to be entitled an act to create the county of Hays.

Read a second time, and

On motion of Mr. Runnels,

Referred to the committee on County Boundaries.

On motion of Mr. Cunningham, the House adjourned until to-morrow morning, 10 o'clock.

House of Representatives,
City of Austin, Thursday, Jan. 6th, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names :

Messrs. Speaker, Armstrong, Bogart, Bourland, Bryan, Caruthers, Crutcher, Davis of R., Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardiman, Haynie, Keenan, Lamar, Lott, Lyons, Miller of C., Millican, McCown, McNeill, Neal, Pease, Potter, Rains, Rayner, Renfro, Reagan, Robertson, Rodgers, Runnels, Shannon, Stout, Stoddard, Tankersley, Taylor, Truit, Webb, Walling, Winkler, Wheeler, White and Wren.

A quorum present.

The Journal of the preceding day was read and adopted.

Mr. Neal presented the petition of Ford & Cronican, Public Printers for the State of Texas.

Read, and

On motion of Mr. Neal,

Referred to the committee on Printing.

Mr. Fields presented the petition of W. S. Mills.

Read.

Mr. Fields moved to refer it to a select committee.

Lost.

Mr. Fields then moved its reference to the committee on Claims and Accounts.

Carried.

Mr. Lewis presented the petition of the citizens of Bexar county.

Read, and

On motion of Mr. Lewis,

Referred to the committee on County Boundaries.

Mr. Dooley presented the petition of sundry German citizens.

Read, and

On motion of Mr. Dooley,

Referred to the committee on State Affairs.

Mr. Pease, chairman of the Judiciary committee, made the following report:

The committee on the Judiciary, to whom was referred "An act to create a lien on domestic vessels for supplies and materials furnished them, and for repairs and labor done thereon, have considered the same, and a majority of said committee believing that such a law is much needed, and that its operation will be beneficial, have directed me to report the same to the House, and recommend its passage.

Read, and laid on the table, to come up among the orders of the day.

Mr. Pease, chairman of the Judiciary committee, also made the following report:

The committee on the Judiciary, to whom was referred "A

bill to be entitled an act to repeal certain acts therein named," have had the same under consideration.

The bill in question proposes to repeal an act of the Congress of the late Republic of Texas, to create a Board of Medical Censors ; and also, an act supplementary to said act. Inasmuch as neither of said acts have ever been enforced, the committee can perceive no objection to their repeal ; but they are of opinion that the title of the act should be so amended as to express its object. They therefore propose to strike out the title as it now stands, and insert in lieu thereof the following : "An act to repeal the laws of the late Republic of Texas creating a Board of Medical Censors ;" With this amendment they recommend the passage of the original bill.

Read, and received, to come up among the orders of the day.

Mr. McNeill, chairman of the committee on the Land Office, made the following report :

The committee on the Land Office, to whom were referred a resolution of the House of Representatives, instructing said committee to enquire what amount of land claims have been issued by the Boards of Land Commissioners for the several counties in this State since the last session of the Legislature, and returned to the General Land Office, together with the number and class so issued by the respective Boards, have called upon the Commissioner of the General Land Office, and have received a tabular statement of said claims from that office, which accompanies this report, embodying the information inquired for by the House of Representatives.

Read and adopted.

Mr. Irion, chairman of the committee on County Boundaries, made the following report :

The Committee on Counties and County Boundaries, beg leave to report back to the House the several petitions from

Newton county, praying the permanent establishment of the county site for that county, and recommend the passage of the accompanying bill.

Read, and to come up among the orders of the day.

Mr. Hardiman introduced a bill to be entitled an act to prohibit the cutting and carrying away timber from lands on which the owners may not reside.

Read a first time.

Mr. Reagan introduced a bill entitled an act to reduce to its constitutional size, define the boundaries, and permanently locate the county site of Henderson county.

Read a first time.

A message was received from his Excellency the Governor, through Mr. Hatch, his private Secretary, communicating to the members of the Legislature an invitation from the citizens of San Antonio, to attend at that place on the 8th of January, inst., to join in paying the last tribute of respect to the memory of the late gallant Samuel H. Walker.

And also, information that the following bills originating in House of Representatives, have been approved by his excellency the Governor:

"Joint resolution requesting the contractor of the mail route from Austin to Bonham, to transport the same weekly, instead of semi-monthly, and making provision for the same."

"An act to provide an appropriation for the payment of the mileage and per diem pay of the members of the Legislature of the State of Texas," and

"An act to provide for the disposition of the funds received from the United States."

Mr. Winkler presented a resolution that the committee on State Affairs be instructed to enquire into the practicability of removing the Indian trading posts further in advance of the white settlements, and report thereon as soon as practicable.

Read and adopted.

Mr. Fields moved to take up that part of the Governor's

Message, communicating the invitation from the citizens of San Antonio.

Carried.

Mr. Willie introduced a resolution that a committee of five be appointed by the Speaker to suggest a plan for the erection of a monument to the memory of Col. Benjamin R. Milam, Capt. Samuel H. Walker and Capt. R. A. Gillespie, and that said committee report by bill or otherwise.

Mr. Bogart moved a call of the House.

Carried.

Mr. Keenan moved a suspension of the call.

Carried.

Mr. Potter moved to insert after the names mentioned, "and all of those who fell in the Revolution of Texas, and those Texans who have fallen in the present war of the United States against Mexico.

Carried.

Mr. Lamar moved to insert "Ward, Grant and others."

Mr. Neal moved to insert after "Ward," "Travis and Johnson."

Mr. Lott called for the previous question.

Carried, and resolution adopted.

Mr. Pease, chairman of the committee on the Judiciary, made the following report:

The committee on the Judiciary have considered the following papers referred to them, viz:

"The petition of the Graziers of Harris and the adjoining counties for laws to regulate the registry of brands, and the killing, selling and branding of cattle."

"A bill to be entitled an act to declare certain neat cattle estrays, and to provide for the disposal of the same."

"A bill to be entitled an act to establish a registry of brands for neat cattle, and to regulate the branding thereof."

"A bill to be entitled an act to regulate the killing of neat cattle;" and

"An act creating certain penalties."

The committee are fully sensible of the importance of the objects sought to be attained by these bills, and they believe that some Legislation is necessary on the subject, but without neglecting other important business before said committee,

they do not feel that they can **give** that attention to the subject which its importance demands; and inasmuch as a select committee has already been **appointed** by the House for the purpose of taking into consideration other acts concerning the branding of neat cattle, the committee have directed me to ask the House to be discharged from the further consideration of said papers, and recommend that they be referred to said select committee.

Read and adopted.

A message was received from the Senate, informing the House that the Senate had **passed** a bill entitled an act, (originating in the House of Representatives,) establishing more permanently the seat of justice of Collin county, and likewise,

A bill to be entitled an act **to provide** for marking, in part, the boundary line between the Land Districts of Fannin and Nacogdoches, and also, a joint resolution for the relief of the citizens of Texas, who had their property destroyed and taken off by the Mexican government during the revolution.

Mr. Keenan introduced a bill to provide for an exchange of books, maps, charts, &c.

Read a first time.

Mr. Robertson introduced a bill to create the county of Santa Fe.

Read a first time.

Mr. Tankersley introduced a bill to be entitled an act to authorize a special tax to be levied upon the citizens of Harris county.

Read a first time.

Mr. Bryan, chairman of the committee on engrossed bills, made the following report:

The committee on engrossed bills, have examined "a joint resolution requesting the Senators and Representatives of Texas, in the Congress of the United States, to protest against the relinquishment of the Mexican Provinces or States conquered by and in the possession of the United States. Also, to protest against any law **which** shall be intended to prevent

the citizens of slave holding States from taking their property with them in emigrating to said acquired territory.

Joint resolution for the relief of assessors and collectors of taxes.

An act to define more correctly the boundaries of DeWitt county."

And find the same correctly engrossed.

Adopted.

Mr. Stuart introduced an act providing for the sale of the property belonging to the State of Texas, formerly used by the late government for custom purposes.

Read a first time.

Mr. Goode introduced a bill to be entitled an act regulating attachments.

Read a first time.

Mr. Rayner moved to take up the orders of the day.

A joint resolution providing for the settlement of the accounts of E. W. Moore, late Post Captain Texas Navy.

Read a second time.

Mr. Gilliam moved its reference to the committee on Finance.

Lost.

Mr. Lamar moved its engrossment.

Carried.

Joint resolution for the relief of persons who furnished supplies for the late Navy of Texas.

Read a second time, and

On motion of Mr. Neal,

Ordered to be engrossed.

A bill entitled an act permanently fixing the seat of justice of the county of Dallas, (Senate's bill.)

Read a second time.

Mr. Winkler moved its reference to the committee on county boundaries.

Carried.

A joint resolution authorizing the Adjutant General to issue bounty land warrants to Elijah D. Holland, (Senate's bill.)

Read a second time, and

On motion of Mr. Pease, referred to the committee on Public Lands.

A bill to be entitled an act to provide a summary remedy for securities against their principals.

Mr. Raynor moved that it be read by its caption.

Carried, and

Bill read a second time, by its caption, and

On motion of Mr. Fields,

Referred to the committee on the Judiciary.

A bill entitled an act making it a penal offence to burn the woods and prairies.

On motion of Mr. Millican,

Read by caption a second time, and referred to the committee on the Judiciary.

A bill entitled an act to provide for revising the statute laws of this State.

On motion of Mr. Potter,

Read by its caption a second time, and referred to the committee on the Judiciary.

Joint resolution instructing our Senators and requesting our Representatives in the Congress of the United States, to procure additional mail service.

Read by its caption a second time, and

On motion of Mr. Reagan,

Referred to the committee on post routes.

A bill to be entitled an act better defining the Northern boundary line of Collin county.

Read a second time, and

On motion of Mr. Bogart,

Ordered to be engrossed.

A bill to be entitled an act supplementary to an act to create and organize the county of Panola.

Mr. Taylor moved that the bill be read by its caption.

Lost.

A message was received from the Senate, informing the House that the Senate had passed a preamble and joint resolution of the Legislature of the State of Texas, requesting the Senators and Representatives of Texas in the Congress of the United States, to urge the passage of a law for the payment of the volunteers called out from this State under the requisition of Col. S. R. Curtis, (originating in the House of Representatives.)

A bill entitled an act supplementary to an act to organize the county of Panola.

Read a second time.

Mr. Walling moved to to amend by striking out "either side of the Sabine River without regard to the present centre."

Mr. Bourland moved to refer to the committee on county boundaries with instructions to the committee to provide for laying the county off into five districts, &c.

A message was received from the Senate informing the House that the Senate had passed a resolution to appoint a select committee of six on the part of the Senate to act in conjunction with a like committee on the part of the House to enquire into the expediency of ascertaining the amount and character of the public debt of the late Republic of Texas, devise ways and means for its early liquidation with instructions to report by bill or otherwise.

Also,

A bill to be entitled an act to legitamatize certain children of Benjamin Bryant.

A bill entitled an act to change the name of Robert Franklin Cypert to Robert Franklin Miller; and

A Joint Resolution authorizing the Commissioner of the General Land Office to issue a patent to Adolphus Sterne, assignee of Maria Josefa Sanches.

Mr. Truit moved to refer the bill creating the county of Panola to a select committee, and none of said committee to be appointed from the county of Panola or adjoining counties.

Carried.

The chair appointed Messrs. Bourland, Bryan and Rayner said committee.

A bill to be entitled an act to create the county of Kaufman.

On motion of Mr. Reagan.

The bill was read a second time by its caption, and referred to the committee on county boundaries.

A bill to be entitled an act to create the county of Van Zandt.

On motion of Mr. Lott,

Read a second time by its caption and referred to the committee on county boundaries.

A bill to be entitled an act to define the boundary of Collin and Denton counties, &c.

Read a second time, and

On motion of Mr. Bogart referred to the committee on county boundaries.

A bill to be entitled an act requiring Justices of the Peace to pay into the county Treasury certain fines and penalties by them collected.

Read second time, and

On motion of Mr. Burroughs, referred to the Judiciary committee.

A bill to be entitled an act to provide for the enumeration of the inhabitants of Texas.

Read a second time, and

On motion of Mr. Epperson referred to the committee on State Affairs.

A Joint Resolution authorizing the Commissioner of the General Land Office to issue a patent to Adolphus Sterne as assignee of Maria Josefa Sanches.

Read a first time.

A bill to be entitled an act to change the name of R. F. Cypert to R. F. Miller, &c.

Read a first time.

A bill to be entitled an act to legitimate certain children of Benjamin Bryant.

Read a first time.

A bill to be entitled an act to define more permanently the boundaries of DeWitt county.

Read a third time and passed.

A Joint Resolution for the relief of Assessors and Collectors of Taxes.

Read a third time and passed.

A Joint Resolution requesting our Senators and Representatives to protest against the relinquishment of Mexican territory conquered by and in possession of the U. S.

Read a third time and passed by the following vote.

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Caruthers, Crutcher, Cunningham, Davis of L., Davis of R., Dooley, Edwards, Fields, Gilliam, Goode, Hardiman, Haynie, Irion, Keenan, Lamar, Lewis, Lott, Lyons, Miller of C., Millican, Mosely, McCown, McNeill, Neal

Pease, Perry, Potter, Rains, Rayner, Renfro, Reagan, Robertson, Rogers, Runnels, Sadler, Shannon, Sterne, Stout, Stoddard, Tankersley, Taylor, Truitt, Webb, Winkler, Walling, Wheeler, White, Willie and Wren—56.

Nays—00.

The report of the committee on State Affairs on the Joint Resolution relative to the incorporation of certain provinces of Mexico into the State of Texas with the consent of the United States, was taken up and read, and

On motion of Mr. Willie, laid on the table.

Mr. Bourland moved that the committee (requested by the Senate to be appointed on the part of the House, to act jointly with a like committee on the part of the Senate to ascertain the amount of the public debt,) be now raised.

Carried, and

The chair assigned that duty to the special committee appointed some time since for that purpose.

Mr. Fields moved that Mr. Tankersley and Mr. Bryan be added to the committee on Brand Districts.

Carried.

Mr. Keenan introduced the following resolution.

Resolved, That a committee of three be appointed by the Speaker to act in conjunction with a like committee on the part of the Senate to ascertain what amount of Treasury notes and other liabilities of the Republic of Texas have been received by the different departments of the State since the adjournment of the last session of the Legislature to cancel or destroy the same and report to the House.

Report read and adopted.

The Chair appointed,

Messrs. Keenan, Lewis and Truitt the committee indicated by the resolution just adopted.

On motion of Mr. Allen,
Mr. Cunningham was added to the committee on the apportionment of representatives.

Mr. Crutcher introduced the following resolution responsive to the invitation of the citizens of San Antonio to the members of the Legislature to meet and join on the 8th instant in paying the last tribute of respect to the remains of the deceased patriot and soldier, Capt. Samuel H. Walker.

Be it resolved by the House of Representatives, That his Excellency the Governor be requested to communicate the thanks of the House of Representatives to the citizens of San Antonio through their committee F. L. Pascal, Samuel J. Smith, Charles P. King and A. H. Lockwood for the invitation to attend the funeral ceremonies of Capt. Samuel H. Walker, and to inform them, that we lament that the invitation arrived too late to give us time to be present on the 8th inst., there to mingle our sorrows with theirs for the last time over the remains of him to whom all true patriots delighted to do honor while living, and whose memory will ever claim a cherished place in the hearts of all Texans.

Read and adopted.

On motion of Mr. Irion,
The House adjourned until to-morrow morning, 10 o'clock.

House of Representatives,
Austin, Jan. 7, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names:
Messrs. Speaker, Allen, Armstrong, Bogart, Burroughs, Ca-

ruthers, Crutcher, Cunningham, Davis of L., Davis of R., Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardiman, Haynie, Irion, Keenan, Lamar, Lewis, Lott, Lyons, Miller of Colorado, Millican, Moseley, McCown, McNeill, Neal, Potter, Rains, Rayner, Renfro, Robertson, Rogers, Runnels, Sadler, Shannon, Sterne, Stout, Stoddard, Tankersley, Taylor, Truit, Webb, Walling, Winkler, Wheeler, White, Willie and Wren.

A quorum present.

The Journal of the preceding day was read and adopted.

Mr. Rayner presented the petition of John Keiser.

Read, and

On motion of Mr. Rayner, referred to the committee on Public Lands.

Mr. Allen presented the petition of sundry citizens of DeWitt county.

Read, and

On motion of Mr. Allen referred the committee on county boundaries.

Mr. Pease, chairman of the committee on the Judiciary, made the following report:

The committee on the Judiciary, to whom was referred "an act requiring District Surveyors to discharge the duties of their offices until their successors are elected and qualified," have had the same under consideration, and they are of opinion that a general law on the subject, applicable to all officers of the State, should be enacted. They have therefore prepared a bill to be entitled "an act requiring all officers of this State to continue to perform the duties of their offices until their successors are elected and duly qualified according to law," which they recommend as a substitute for the original act.

Read and laid on the table, to come up among the orders of the day.

Mr. Pease, chairman of the committee on the Judiciary, made the following report :

The committee on the Judiciary, to whom was referred a joint resolution requesting our Senators and Representatives in Congress to procure the passage of a law to compel the Judge of the District Court of the United States, for the District of Texas, to reside permanently within his District, have had the same under consideration, and have directed me to report the accompanying joint resolution, and recommend that it be adopted as a substitute for the original resolution.

Read and laid on the table, to come up among the orders of the day.

Mr. Pease, chairman of the Judiciary committee, reported that the committee on the Judiciary, to whom was referred "an act to amend the 11th section of an act entitled an act defining the office and duties of Coroners, approved May 13th, 1846," have considered the same, and a majority of said committee have directed me to report the bill back to the House, and to recommend its passage.

Read and laid on the table, to come up among the orders of the day.

Mr. Stuart, chairman of the committee on Finance, reported that the committee on Finance, to which was referred a bill to be entitled "an act to exempt from taxation all property designed and used for purposes of religious worship and education," have had the same under consideration, and recommend its passage.

Read and laid on the table to come up among the orders of the day.

Mr. Keenan, chairman of the committee on Education, made the following report:

The committee on Education, to whom was referred a resolution, requiring them to present a plan for the establishment of free public schools, with rules and regulations for their government, have had the same under consideration in connection with a bill to establish free public schools; and a majority of them instruct me to report the bill back to the House, with amendments, and recommend its passage.

They are satisfied that, under the provisions of the bill, many of the more sparsely populated counties will not organize; but can see no sufficient reason, why the counties, whose wants require their establishment, and whose condition will justify it, should delay their organization, and be denied their benefits. This can be effected by the liberal provisions of the bill, without injury or injustice to the counties whose population is so small and scattered, as to make it inexpedient for them to do so. The amount of revenue derived from taxation, and apportioned to these counties, will stand as a credit to them, until it can be used as prescribed by law.

The Constitution makes it imperative upon the Legislature of this State, at as early a period as practicable, to establish Free Public Schools, throughout the State; and to provide for their support, by taxation on property. Public opinion appears to require it of them, at this time, and your committee, concurring in the feelings and wishes of the people of the State, are anxious to carry out their views, to the fullest extent authorized by the limited means, at the disposal of the Legislature for that purpose.

The lands, which have been, or may hereafter be donated, are rendered unavailable by the 3d section of the 10th article of the Constitution; which declares, "That all lands granted to the various counties, or other political divisions of the State for school purposes, shall not be alienated in fee, or disposed of otherwise than by lease, and for a time not exceeding twenty years.

Your committee, in the bill recommended by them, have authorized the School Commissioners of the several counties, to lease the school lands of their respective counties; but can place no reliance on that source, for means adequate to the object proposed; nor would the amount of revenue alone, which

is set apart by the Constitution, when divided as justice would require, be adequate to the consummation of the ends contemplated. Your committee therefore recommend, to accomplish the desire of the great mass of our population, that which to them seems to be the only feasible plan that can be adopted. To lay and collect a tax, in addition to the revenue derivable from the sources before mentioned, sufficient to carry into efficient operation, a system of education that will be uniform and beneficial in its results.

The bill limits the maximum rate of taxation to one-fourth of one per centum ; but leaves it discretionary with the county courts, and through them with the people, to fix it at any ratio below that amount.

In all the States in which the system of Common Schools have been most successfully established, they have been carried on, in whole or in part, by direct taxation ; and with the utmost satisfaction to property holders, upon whom the burthen of taxation must, of necessity, fall. It may be urged, as an objection to the taxation of property for the support of Free Schools, that the non-resident land holder, or the childless owner of real estate, would be compelled to contribute to the education of the indigent children of the district or county in which his property may be situated. Such would be the case, but it would return to him ten-fold in the increased valuation of his property, caused by the establishment of good and permanent schools in his neighborhood : and by the security to person and property, which intelligence and civilization always ensure.

Your committee believe that as our State increases in population, and acquires wealth, changes in the plan proposed, may be necessary ; but think, under existing circumstances, that it will meet the wishes, and fill the expectations of the people.

Report received, and laid upon the table to come up with the orders of the day.

Mr. Willie, one of the committee on Public Lands, made the following report :

The committee on Public Lands, to whom was referred the memorial of Robert H. Beale, praying for a grant of one league and labor of land, as a disabled soldier, have instructed me to report, that they find upon investigation, that the said Beale was seriously wounded at the battle of Mier, and is permanently disabled from the effects of said wound. The memorialist, they believe, therefore, is entitled to the grant as justly as those who have heretofore received the bounty of the government, on account of having been permanently disabled in the service of the country. They therefore instruct me to report the accompanying joint resolution, and recommend its passage.

Read and laid on the table, to come up among the orders of the day.

Mr. Reagan, chairman of the committee on Public Lands, made the following report:

The committee on Public Lands, to whom was referred a bill to be entitled an act supplementary to an act to reduce into one, and amend the several acts relating to the establishment of a General Land Office, passed December 14th, 1837, have had the same under consideration, and a majority of said committee have instructed me to report said bill back to the House, and recommend its indefinite postponement.

Read, and on motion of Mr. Willie,
Laid on the table.

Mr. Reagan, chairman of the committee on Public Lands reported that the committee on Public Lands, to whom was referred a bill to be entitled "an act requiring those who have located their conditional certificates to deposit the same, with the field notes of survey, in the General Land Office within eighteen months, or their claims to be barred," have had the same under consideration, and have instructed me to report the

bill back to the House as being superseded and rendered unnecessary, by the provisions of a joint resolution extending the time for the return of field notes and the payment of government dues, and recommend that said bill be indefinitely postponed.

Read and adopted.

Mr. Irion, chairman of the committee on County Boundaries, reported that the committee on Counties and County Boundaries, to whom was referred "a bill entitled an act to locate the county seat of Navarro county," beg leave to report and recommend the passage of the same with the following amendments, to wit:

1st. Fill up the blank in the first section, by inserting "Corsicana."

2d. Add to the end of the first section, "and all process, civil and criminal, shall be returned thereto, which may be issued after the first day of February, 1848, and that this act shall not be construed so as to affect any writ, process or other proceeding, in any of the courts of said county."

Read and laid on the table, to come up among the orders of the day.

Mr. Rayner, chairman of the committee on Claims and Accounts, reported that the committee on Claims and Accounts, to whom was referred the petition of Reuben A. Carter, of Cherokee county, asking for a donation of 640 acres of land, have had the same under consideration, and believing that it more properly belongs to the committee on Public Lands, beg leave to report the same back to the House, and ask to be discharged from its further consideration, and that said petition be referred to the committee on Public Lands.

Read and adopted.

Mr. Bryan, chairman of the committee on Engrossed Bills, reported that they had examined a "joint resolution for the relief of persons who furnished supplies for the Navy of Texas;" and "a joint resolution to provide for the settlement of the accounts of E. W. Moore, Post Captain commanding the late Texas Navy :—" and find the same correctly engrossed.

Read and adopted.

Mr. Burroughs, chairman of the committee on Enrolled Bills, report that they have examined "An act requesting our Senators and Representatives in Congress, to urge the passage of a law for the payment of the volunteers called out from this State under the requisition of Col. S. R. Curtis: Also, an act to provide for locating the seat of justice of Austin county, and find the same correctly enrolled, and having been signed by the Speaker of the House of Representatives and President of the Senate, were this day presented to His Excellency, the Governor, for his approval.

Read and adopted.

Mr. Bourland, chairman, &c., made the following report:

The select committee, to which was referred "A bill to be entitled an act, supplementary to an act, to create and organize the county of Panola," have had the same under consideration, and have instructed me to report the same back to the House, with an amendment, and recommend its passage.

Read, and laid on the table, to come up among the orders of the day.

Mr. Stout introduced a bill to be entitled an act to create the county of Wishita.

Read a first time.

Mr. Pease, Chairman of the Judiciary committee, reported that "the committee on the Judiciary, to whom was referred a joint resolution instructing our Senators and requesting our Representatives in Congress to procure the passage of an act establishing two Districts for the United States Court," have had the same under consideration, and a majority of said committee have instructed me to report the accompanying joint resolution, and recommend that it be adopted as a substitute for the original.

Read, and laid on the table, to come up among the orders of the day.

Mr. Stout introduced a bill to be entitled an act to incorporate the German-Texian Friendship Association of Galveston.

Read a first time.

Mr. Stoddard introduced a bill to be entitled an act to define the county boundaries of Goliad county.

Read a first time.

A message was received from the Senate, through Mr. Raymond, Secretary, informing the House that the Senate had passed a resolution to go into the election of Comptroller and Treasurer, on the 11th instant, at 11 o'clock, a. m.

Mr. Taylor introduced a bill to be entitled an act, to prescribe the time of the biennial meeting of the Legislature of the State of Texas.

Read a first time.

Mr. Tankersley introduced the following resolution:

Resolved, by the House of Representatives, That a committee of three members be appointed to examine into, and report to this House, the condition of the office of Comptroller and Treasurer of the State, and that the Senate be requested to appoint a like committee, to act jointly with the committee of the House.

Read and adopted.

The chair appointed Messrs. Tankersley, Runnels and Haynie, the committee indicated by the foregoing resolution.

Mr. Bogart introduced a bill for the relief of Thomas Allen.
Read a first time.

Mr. Allen introduced a bill to be entitled an act to locate permanently the seat of justice for the county of De Witt.

Read a first time.

Mr. Edwards introduced the following resolution :

Resolved, That the Senate be invited to meet the House in joint session, on day of January, instant, for the purpose of electing a Commissioner of the General Land Office.

Read.

Mr. Crutcher moved to fill the blank with the "11th instant."

Mr. Cunningham moved to lay the resolution on the table, which was carried by the following vote :

Yeas—Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Caruthers, Cunningham, Davis of L., Eddy, Epperson, Gilliam, Goode, Hardiman, Lamar, Lott, Lyons, Moseley, McCown, Neal, Perry, Potter, Rains, Rayner, Reagan, Robertson, Rodgers, Railey, Runnels, Shannon, Sterne, Stout, Stoddard, Stuart, Taylor, Webb, Winkler, White, and Wren—40.

Nays—Messrs. Crutcher, Davis of R., Edwards, Fields, Haynie, Irion, Keenan, Lewis, Miller of C., Millican, McNeill, Pease, Renfro, Tankersley, Truitt, Walling, Wheeler and Willie—18.

Mr. Lamar presented a petition from Edward A. Weyman and a joint resolution for his relief.

Read a first time.

Mr. Bourland in the chair.

Mr. Truitt introduced a joint resolution for the relief of Wm. K. Elliot.

Read a first time.

Mr. Reagan, chairman of the committee on Public Lands

reported that the committee of the House of Representatives have instructed me to present the following resolution:

Resolved, That the committee on Public Lands be authorized to call for persons and papers in the investigation of the colonization contracts entered into between Charles F. Mercer, Peter Browning and others, and the Republic of Texas.

Read, and laid on the table, to come up among the orders of the day.

Mr. Reagan, chairman of the committee on Public Lands, reported that the committee on Public Lands, to whom was referred a resolution instructing the committee on the Land Office, to enquire what fees have been charged in the Land Office, &c., have instructed me to report said resolution back to the House, and recommend its reference to the committee on the Land Office.

Read and adopted.

Mr. Webb introduced a bill to be entitled an act to provide for the support of the poor.

Read a first time.

Mr. Epperson introduced a bill to be entitled an act to compel owners and renters of cotton gins to keep them inclosed, &c.

Read a first time.

Mr. Lewis introduced a bill to be entitled an act to create the county of Medina.

Read a first time.

Mr. Stout introduced a bill to be entitled an act to prohibit the location of land North of the Rio Roxo or Red River of the North.

Read a first time.

Mr. Gilliam introduced the following resolution:

Resolved, that the select committee, to whom was referred

the subject of marks and brands, &c., be requested to examine the law regulating estrays, and propose such amendments as to them shall be deemed expedient, and report by bill or otherwise.

Read and adopted.

Mr. Armstrong moved to take from the table a bill giving donees of San Jacinto certificates the right to sell the same in *fee simple*, and place it among the orders of the day.

Carried.

Mr. Renfro moved to take up the orders of the day.

Carried.

A bill to be entitled "An act to provide for the sale of public property, used for custom purposes, &c."

Read a second time, and

On motion of Mr. Potter,

Referred to the committee on Finance.

A bill to be entitled an act to provide for marking the boundary line of Fannin and Nacogdoches Land District.

Read a first time.

A joint resolution for the relief of the citizens of Texas who had their property destroyed and taken off by the Mexican government during the revolution.

Read a first time.

A bill to be entitled an act to fix the county seat of Henderson County, &c.

Read a second time by caption, and

On motion of Mr. Reagan,

Referred to the committee on County Boundaries.

The chair decided, that, reading a bill by its caption, is the reading of the bill under the rules of the House.

Mr. Webb appealed from the decision of the chair.

Mr. Stout moved a call of the House.

Carried.

Mr. Lott moved the House adjourn until Monday morning, 10 o'clock.

Carried.

House of Representatives,
City of Austin, January 10th, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names :

Messrs. Speaker, Armstrong, Bogart, Bryan, Caruthers, Crump, Crutcher, Davis of L., Dooley, Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Irion, Lewis Lott, Lyons, Moseley, McCown, Neal, Pease, Perry, Rains, Rayner, Renfro, Railey, Runnels, Sadler, Shaw, Sterne, Stout, White, Taylor, Truitt, Webb, Walling, Winkler, Wheeler, Stuart, and Willie.

A quorum present.

On motion of Mr. Gilliam,

The call of the House ordered on the 7th inst, was suspended.

Journal of the 7th inst., read and adopted.

Mr. Crutcher presented the petition of Michael Short.

On motion of Mr. Crutcher,

Referred to the committee on public lands without a reading.

The Speaker announced a petition from the citizens of Henderson county, praying the Legislature to pass an act prohibiting the citizens of said county from wearing beard on the upper lip, over one inch in length.

Read; and

On motion of Mr. McCown,

Referred to the committee on the Penitentiary.

Mr. Dooley presented the petition of the citizens of Fredericksburg and its vicinity, praying an act creating a new county, to be styled the county of Pierdenales.

Read, and

On motion of Mr. Dooley,

Referred to the committee on county boundaries.

Mr. Crump presented the petition of John Vanderworth, praying for relief.

Read, and

On motion of Mr. Crump,

Referred to the committee on public lands.

Mr. Lewis presented the petition of Nathaniel R. Mallon, John S. Johnson and J. H. Brown, praying the Legislature for relief.

Read, and

On motion of Mr. Lewis,

Referred to the committee on military affairs.

Mr. Armstrong presented the petition of Wm. C. Beard, praying relief,

Read, and

On motion of Mr. Armstrong,

Referred to the committee on public lands.

Mr. Keenan presented the petition of Uriah F. Case, praying for relief.

Read, and

Referred to the committee on the Land Office.

Mr. Cunningham presented the petition of the citizens of Victoria, relative to a military and waggon road from some point on Matagorda bay, to Chihuahua, Passo del Norte, Santa Fe, &c.

Read, and

Together with that portion of the Governor's Message relative to the sale of the public lands.

Referred to the committee on military affairs.

Mr. Allen, chairman of the committee on State affairs, made the following report:

The committee on State affairs, to whom was referred "a bill to be entitled an act fixing the time at which the regular sessions of the Legislature of the State shall convene," have instructed me to report the same back to the House, with the accompanying substitute, and to recommend the passage of the same.

Read, and

To come up among the orders of the day.

Mr. Allen, chairman of the committee on State affairs, also, made the following report:

The committee on State affairs, to whom was referred a bill together with a petition to authorize and require the Governor to cause the Constitution and certain laws of the State of Texas to be translated into the German and Spanish languages, have had the same under consideration, and have unanimously instructed me to report:

That it is unnecessary to have translated into the German and Spanish languages, any law either of a general or special nature, passed during the existence of the Republic of Texas, as the broad and comprehensive language of the bill referred to the committee, clearly embraces; but, that it is politic and just to have translated for the information of the enterprising German and Spanish population residing within the limits of our State, the Constitution and laws which have been enacted since Texas became a State, and may be passed by the Legislature at its present session; and therefore, earnestly recommend the passage of the substitute for said bill herewith presented.

Read, and

To come up among the orders of the day.

The Joint committee on post routes, made the following report:

The joint committee on post routes, to which was referred a joint resolution, instructing our Senators and Representatives in the Congress of the United States to procure additional mail service, have had the same under consideration, and have instructed me to report a substitute for the original bill, and recommend its passage.

(Signed,)

W. C. ABBOTT, Chairman,
on the part of the Senate.

S. G. HAYNIE, Chairman,
on the part of the House of Representatives.

Read;

To come up among the orders of the day.

Mr. Eddy introduced a bill entitled an act to provide for the election of Governor and Lieutenant Governor, Senators and Representatives to the Legislature of the State of Texas.

Read a first time.

Mr. Dooley introduced a bill entitled an act to create the county of Pierdenales.

Read a first time.

Mr. Rayner introduced an act authorizing the County Court of Fort Bend county, to levy an additional tax.

Read a first time.

The minority of the committee on education, made the following report:

The undersigned, being one of the minority of your committee on education, differs with the majority of said committee, in their report; and objects to some of the provisions of the bill accompanying the same.

It is but due to state the reluctance with which opinions, so contrary to those of a majority, are entertained and submitted for consideration; and, but for the position of the undersigned, as a member of the committee, would more willingly have been withheld. Far from indulging a motive, or a feeling of opposition, to a generous philanthropy, there are considerations of constitutionality, expediency, and of justice, to the common right of every man, and interest in society, involved, that should not be permitted to pass, by common sanction, unheeded and without investigation. There is a fund wisely set apart by the constitution; for educational purposes, exceed this, and the limits is indefinite. If the constitution authorizes one amount, it will another, the same interpretation, that authorizes that proposed, will that of one hundred, one thousand per cent: the construction is the same, and admits of no qualification, except it be of propriety or expediency; and expediency knows no law.

Could it have been intended, by the framers of the constitution, that it should bear a construction, by which the rights of a minority were to be placed at the mercy, caprice or jealousy of a majority? Would not the consequence have been foreseen? Anarchy, with the evils following in train, is the best

result, that could have been anticipated: the principle that will allow numbers, for their own individual purposes, to assess and levy contributions upon others' interests, contrary to the consent, and in violation of the rights of the interested parties, will sanction the levelling or agrarian creed of the arbitrary distribution of private wealth, among the different members of society. The first and main principle of social institutions, is to secure the weak, against the aggressions of the strong; and to protect the possession of rights common to all. Rights are restricted for the purposes of justice, the maintenance of order and the support of Government. Independent of these, it is the privilege of every individual, to say, whether he will or will not part with a right; and that power, that deprives him of it, is arbitrary, tyrannical and destructive of the ends of society. Did the constitution warrant, by any fair deduction, the collection of the proposed tax? Would it be expedient to authorize it at this time? With a debt of undefined millions overhanging us, and nothing with which to appease the wants of the creditor, already knocking at our doors for relief—a revenue barely adequate to the support of government, and the rate of taxation, as high as the interests of the country can bear. With a small population scattered over an immense territory, diverse of origin, as of character; bound together, in many instances, by no tie of consanguinity and friendship—but, interest, immediate and alone, to constitute the rule of action. If arms are placed in the hands of an enemy, it is but reasonable to expect that he will use them; and, if the majority are armed with the law, it may not be expected, (when interest is to be promoted,) that difficult or perplexing questions of expediency and justice, will long prevent its execution.

The benefits arising, in most of the counties, from the amount proposed, would not be realized by one fifth; and it would ever be the source of discontent and dissatisfaction to the citizen, and a pretext for new demands upon the Legislature for the same object.

It requires no philosophy to foretell the effects that may be produced, by over taxation at this time—compelling the adventurer to seek new fields for employment—the man of wealth, a home, where institutions are more congenial to his rights. The land holder and the Government, would alike, participate in the evils flowing from it.

Another objection, is the danger to be apprehended, of an unfair, or an improper application of the fund arising from the land appropriated by the government to this object, when disposed of under the provisions of the bill. By it they may be disposed of, for the time allowed by the constitution; and the whole of the avails appropriated to a single year—leaving nineteen out of twenty, unprovided for, and excluding a very large proportion from any participation in its benefits. Thus, the objects, the wisdom, and well-timed sagacity of all former legislation on this subject, may be almost, if not entirely defeated.

The following amendments are respectfully submitted:—Strike out sections eleven, twelve and thirteen; and amend the fourteenth section by appending thereto, the following:—Provided, That nothing in this act, shall be so construed, as to prevent the equal, annual distribution of the proceeds arising from the lease of said school lands.

Mr. Davis of R., introduced a resolution that the committee on Finance enquire into the expediency of making an adequate appropriation in conformity with the suggestion of Gov. Henderson in his message for defraying the expenses of all troops raised by order of the State Executive.

Mr. Crutcher moved that it lie on the table one day for consideration.

Carried.

Mr. Bogart introduced a resolution that the committee on State Affairs be and they are hereby instructed to take under consideration that portion of the Governor's message recommending an appropriation to be made for the payment of individuals who have furnished supplies for the troops called out by the Executive to participate in the war against Mexico, and report by bill or otherwise.

Mr. Tankersley moved that it lie on the table one day, for consideration.

Carried.

Mr. Bourland, Chairman of the select committee appointed

to suggest amendments to the standing rules of the House made the following report:

The select committee to which was referred resolutions proposing amendments to the rules governing the deliberations of the House of Representatives, report that they have considered the same, and respectfully submit the accompanying sixty five rules and recommend their adoption.

Mr. Bourland moved to lay it on the table.

Carried.

Mr. Cunningham introduced a bill to be entitled an act to amend the 11th section of an act supplementary to an act to detect fraudulent land certificates and to provide for issuing patents to legal claimants.

Read a first time.

Mr. Stuart introduced a bill to be entitled an act to authorize the city of Galveston to appoint Firemen and exempt the same from militia and jury duty.

Read a first time.

Mr. Stout introduced a bill entitled an act making the State a party to suits brought for lands.

Read a first time.

An act to repeal in part, the 4th section of an "act to raise a revenue by direct taxation, approved 28th April, A. D. 1846.

Read a first time.

Mr. Lott introduced a bill to prescribe the mode of electing the Commissioner of the General Land Office.

Read a first time.

Mr. Dooley introduced a resolution that that portion of His Excellency, Governor Wood's message, which treats of the public debt and the mode of ascertaining its amount and the means of its payment be referred to the committee on the public debt, with instructions to report by bill or otherwise.

Read and adopted.

On motion of Mr. Fields, the orders of the day were taken up.

An act authorizing persons who have received donation

certificates under the provisions of "an act granting lands to those who were in the battle of San Jacinto and other battles, approved Dec. 20th, 1837, to alienate said certificates and the lands acquired under them, was taken up and read.

Mr. Hardiman moved the indefinite postponement of the bill.

Mr. Moseley moved to postpone until the 1st day of February.

Mr. Dooley moved to refer it to the committee on the Judiciary.

Carried.

Mr. Crump in the chair.

A bill to create the county of Santa Fe.

Read a second time.

Mr. Robertson offered the following as amendment:

"Strike out thirty six degrees thirty minutes, and insert forty degrees."

Mr. Willie moved to referred to the committee on county boundaries.

Carried.

A Joint resolution authorizing the Commissioner of the General Land Office to issue a patent to Adolphus Sterne, assignee of Maria Josefa Sanches.

Read a second time, and

On motion of Mr. Sadler, referred to the committee on Public Lands.

A bill to be entitled an act to change the name of Robert Franklin Cypert to Robert Franklin Miller.

Read a second time, and

On motion of Mr. Bryan, referred to the committee on the Judiciary.

A bill to be entitled an act to legitimize certain children of Benjamin Bryant.

Read a second time, and

On motion of Mr. McNeil, referred to the committee on the Judiciary.

A bill to provide for an exchange of books, maps, charts, &c.

Read a second time, and

On motion of Mr. Epperson, referred to the committee on State Affairs.

Joint resolution for the relief of persons who furnished supplies for the late navy of Texas.

Read a third time and passed by the following vote :

Yeas—Messrs., Allen, Armstrong, Bogart, Bourland, Bryan, Caruthers, Crutcher, Cunningham, Dooley, Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Haynie, Irion, Keenan, Lewis, Lott, Miller of C., Moseley, McCown, McNeill, Neal, Pease, Perry, Potter, Rains, Rayner, Renfro, Robertson, Runnels, Shaw, Sterne, Stout, Stuart, Tankersley, Taylor, Truitt, Webb, White, Willie and Wren—43.

Nays—Messrs. Speaker, Burroughs, Crump, Davis of L., Davis of R., Hardeman, Millican, Reagan, Sadler, Walling, Winkler and Wheeler—12.

House excused Mr. Miller of Houston from voting.

Mr. Reagan asked to be excused from voting.

House refused to excuse.

Joint resolution to provide for a settlement of the accounts of E. W. Moore, Post Captain commanding the late Navy of Texas.

Read a third and passed.

An act to locate the county seat of Navarro county.

Read a second time.

Amendments adopted, and bill ordered to be engrossed.

A joint resolution for the relief of Robert H. Beal, substitute reported by committee.

Read a first time.

A bill to be entitled an act to prescribe the biennial meeting of the Legislature of the State of Texas.

Read a second time, and

On motion of Mr. Taylor, referred to the committee on State Affairs.

A bill to be entitled an act to define the boundaries of Goliad county.

Read a second time, and

On motion of Mr. Neal,
Ordered to be engrossed.

A bill to be entitled an act to incorporate the German Friendship Association of Galveston.

Read a second time.

Mr. Stuart moved the engrossment of the bill.

Mr. Stout moved its reference to the Judiciary committee.

A bill to be entitled an act for the relief of Thomas Allen.

Read a second time, and

On motion of Mr. Winkler,

Referred to the committee on Finance.

A resolution (originating in the Senate,) to go into the election of Comptroller of Public Accounts and State Treasurer, on the 11th instant, was taken up.

Read, and

On motion of Mr. McNeil,

Laid on the table.

A bill to be entitled an act to provide for the support of the poor.

Read a second time, and

On motion of Mr. Webb, referred to the Judiciary committee.

A joint resolution for the benefit of Edward A. Weyman.

Read second time, and

On motion of Mr. Willie,

Referred to the committee on Federal Relations.

A bill to be entitled an act to provide for marking the lines between the Land Districts of Fannin and Nacogdoches.

Read a second time, and

On motion of Mr. Reagan,

Referred to the committee on the Land Office.

A bill to be entitled an act for the relief of those who had their property carried off and destroyed by the Mexican Government during the revolution.

Read a second time, and

On motion of Mr. Moseley,

Referred to the committee on Federal Relations.

A bill to be entitled an act to amend the seventh section of an act, to define the office and duties of Coroner.

Read a third time and passed.

A bill to be entitled an act to create the county of Medina.

Mr. McNeil moved the bill be read a second time by its caption, and referred to the committee on County Boundaries.

Carried.

A bill to be entitled an act to prohibit the location of land North of the Rio Roxo or Red River of the North.

Mr. Stout moved to read a second time by its caption, and refer to the special committee, to whom was referred so much of the President's message as related to the county of Santa Fe.

Carried.

A bill to be entitled an act to exempt from taxation all property designed and used for religious worship.

Read a second time.

Mr. Henderson moved the engrossment of the bill.

Mr. Reagan moved to strike out in the caption the word "all" before "property," and insert "certain."

Carried.

Mr. Davis, of R., moved to insert "provided, no one lot of land shall contain more than ten acres."

Mr. McNeil moved to refer the bill to the committee on Finance.

Carried.

A bill to be entitled an act to prohibit the cutting and carrying away timber from the lands upon which the owner does not reside.

Read a second time, and

On motion of Mr. Bryan, referred to the Judiciary committee.

Mr. Haynie moved the House adjourn until to-morrow morning.

Lost.

A bill to be entitled an act to create a lien on domestic vessels for supplies furnished, and work done thereon, &c., was taken up.

Mr. Neal moved the adjournment of the House until 3 o'clock, p. m.

Lost.

The bill was then read a second time, and

On motion of Mr. Potter,

Ordered to be engrossed.

Mr. Lamar moved that Mr. Bryan be added to the committee to whom was referred the petition of Thos. F. McKinney.

Lost.

Mr. Renfro moved a call of the House.

Mr. Epperson moved that the House adjourn until to-morrow morning, 10 o'clock.

Mr. McNeill moved to take up a resolution to go into the election of District Attorneys.

The question on Mr. Epperson's motion to adjourn, was taken and carried.

House of Representatives,
Austin, Jan. 11, 1848.

House met, pursuant to adjournment.

Roll called, and the following members answered to their names :

Messrs. Speaker, Armstrong, Bogart, Bryan, Caruthers, Crump, Cruitcher, Davis of R., Dooley, Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Irion, Lewis, Lott, Lyons, Moseley, McCown, Neal, Pease, Perry, Rains, Rayner, Renfro, Railey, Runnels, Sadler, Shaw, Sterne, Stout, Stuart, Taylor, Truitt, Webb, Walling, Winkler, Wheeler, White and Willie.

The Journals of preceding day read and adopted.

Mr. McNeill moved a suspension of the rule requiring bills to be read on three several days, in order to dispose of certain measures before the House.

Lost.

Mr. Taylor presented a petition from the citizens of Upshur county, relative to their county site.

Read and referred to the committee on County Boundaries.

Mr. Dooley presented the petition of the citizens of Comal county.

Read, and on motion of Mr. Dooley, referred to the committee on County Boundaries.

A message was received from the Senate, informing the House that the Senate had passed the following bills, viz.:

A bill to be entitled an act to declare the name of Beazley, son of Marcileat Dugat, and also to legitimate said Beazley:

A bill granting a Ferry privilege to Nancy Hutchinson:

A bill for the relief of Martin Walker.

Mr. Hardeman presented the petition of R. L. Redding.

Read, and

On motion of Mr. Hardeman,

Referred to the committee on Claims and Accounts.

Mr. Irion, chairman of the committee on County Boundaries made the following report:

The committee on Counties and County Boundaries, have considered "a bill to create the counties of Starr, Webb and Taylor, and to define the boundaries of Nueces county." In sections 24 and 25, of the 7th article of the Constitution, it is expressly declared, that "every law enacted by the Legislature shall embrace but one object; and *that* shall be expressed in the title." It furthermore declares, that "no law shall be revised, or amended, by reference to its title;" and as the above bill embraces and embodies several objects, the committee have instructed me to report the several bills accompanying this report, marked Nos. 1, 2, 3 and 4, as substitutes for the original, and respectfully recommend to the House the passage of the several substitutes, in lieu of the bill referred.

Report received, and bills to come up among the orders of the day.

Mr. Fields, chairman of the committee on Printing, to whom was referred the petition of Ford & Cronican, State Printers, asking compensation for copying the laws of the last Legislature, and for extra labor and expense incurred on account of the addition of side notes to the laws, after the petitioners were

elected, and for other alterations,—have had the same under consideration, and after a careful investigation of the subject, and examination of witnesses, as to the value of the additional labor, &c., have unanimously agreed that the prayer of the petitioners ought to be granted; and have therefore instructed me to report the accompanying bill for their relief, and recommend its passage.

Report and bill received, to come up among the orders of the day.

Mr. Moseley introduced a bill to be entitled “an act giving plaintiffs in execution the benefit of deeds of trust and mortgages, by paying the debts and liabilities secured by them.”

Read a first time.

Mr. Stout introduced a resolution that the committee on the Judiciary enquire into the propriety or expediency of a division of the Supreme Court of this State, and establishing a branch thereof at the town of Henderson, Rusk county; and that they report to this House, by bill or otherwise, at as early a day as practicable.

Mr. Lott moved to strike out Henderson, and insert Tyler.

Mr. Gilliam moved a division of the question.

Question to strike out taken, and lost.

Mr. Caruthers moved to lay the resolution on the table.

Carried.

Mr. Eddy introduced a bill to amend an act defining the duties of the Attorney General of the State of Texas.

Read a first time.

Mr. Bourland introduced a bill providing for the admission of certain evidence in proceedings against debtors of the late Republic, and present State of Texas.

Read a first time.

Mr. Dooley introduced a bill to change, and better to define the boundaries of the county of Comal.

Bill read a first time.

Mr. Willie introduced a bill to be entitled an act to change

the time of holding the District Courts of the third Judicial District.

Bill read a first time.

Mr. Robertson introduced a bill authorizing and requiring the Commissioners' Courts of Counties to regulate Roads and appoint Overseers, &c.

Bill read a first time.

Mr. Cunningham introduced a joint resolution relative to the establishment of a chain of Military Posts in Texas, extending from Washita to Passo del Norte, on the Rio Grande.

Joint resolution read a first time.

Mr. Allen moved to take up the orders of the day.

Motion carried.

The report of the joint committee on Post Routes was taken up.

The substitute for the original bill was read a second time.

Mr. Haynie moved its adoption.

Mr. Lamar offered the following amendment:

"Insert from San Antonio to Laredo."

Amendment adopted.

Mr. Caruthers moved its engrossment.

Mr. Cunningham offered the following as an additional amendment:

"From Port Lavaca, via Victoria, Quero, Gonzales, Seguin and New Braunfels, to San Antonio, twice a week."

Amendment adopted.

Mr. Robertson moved the previous question.

Motion lost.

Mr. Eddy moved to insert,

"Once a week from Sabine Pass to San Augustine."

Mr. Pease offered the following amendment:

"Strike out the 17th route, and insert in lieu thereof the following:—17th, from Columbia to Matagorda, via Brazoria, Cedar Lake and Caney, once a week."

Amendment adopted.

Mr. Goode moved to insert,

"From Clarkesville to Shreevesport, via Marshall, once a week."

Motion adopted.

Mr. Fields moved to go into a committee of the whole.

Motion carried.

Mr. Fields, as chairman of the committee of the whole, reported back to the House the substitute offered by the joint committee on Post Routes, without amendment.

Report adopted.

Mr. Lott moved to amend by inserting,

"From Henderson, in Rusk county, to Tyler, in Smith county, once a week."

Motion lost.

Mr. Runnels moved the previous question.

Motion carried.

The question on the engrossment of the bill was taken, and carried.

Mr. Fields offered the following resolution:

Resolved, That our Senators in the Congress of the United States be instructed, and our Representatives be requested, to urge the passage of a law to give the members of the several State Legislatures the franking privilege during their sessions, and a repeal of the law requiring a higher rate of postage and pre-payment, on newspapers, when not sent directly from the office of publication to regular subscribers.

Resolution read a first time.

A bill creating the county of Washita, was, on motion of Caruthers, read by its caption, and

Referred to the committee on County Boundaries.

Mr. Bryan, Chairman of the committee on engrossed bills made the following report:

The committee on engrossed bills have examined the following bills,

An act better defining the northern boundary line of Collin county.

An act to create a lien on domestic vessels, for supplies and materials furnished them, and for repairs and labor done thereon:

A bill to be entitled an act to define the county boundaries of the county of Goliad :

And report the same correctly engrossed.

Report adopted.

Mr. Robertson moved to take up the message from the Senate.

Motion carried.

The substitute for the 'joint resolution instructing the Senators and Representatives from the State of Texas, in the Congress of the United States, to procure the passage of an act to establish two Districts, for the District Court of the United States, in this State,"

Was taken up and adopted ; and,

On motion of Mr. Pease,

Read a second time, and ordered to be engrossed.

A bill to be entitled "An act to amend an act, supplementary to an act, to create and organize the county of Panola," was taken up, and the amendment adopted.

On motion of Mr. Goode,

The bill was ordered to be engrossed.

A bill to be entitled "An act to regulate Attachments," was taken up.

On motion of Mr. Rayner,

The bill was read by its caption a second time, and referred to the committee on the Judiciary.

The "Joint resolution instructing our Senators, and requesting our Representatives in the Congress of the United States, to procure the passage of a law to compel the Judge of the District Court of the United States, for the District of Texas, to reside permanently within the District," was taken up, and the substitute adopted ; and

On motion of Mr. Fields,

Ordered to be engrossed.

Mr. Tankersley presented a bill to be entitled "An act to

regulate proceedings in cases of forcible entry and detainer," and asked that the same might be read by its caption.

The House refused to assent to the bill being read by its caption.

The bill was then read a first time, in part.

Mr. Haynie in the chair.

Mr. Neal moved a call of the House.

Motion carried.

Leave of absence was granted to Mr. Moseley.

On motion of Mr. Rayner,

A further call of the House was suspended.

The reading of the bill was then concluded.

Mr. Epperson moved to take up the resolution from the Senate, to go into the election of District Attorneys.

Mr. Crump moved that the House adjourn until to-morrow morning, 10 o'clock.

Motion lost.

The question on taking up the resolution to go into the election of District Attorneys, was called for.

Mr. Cunningham moved that the House adjourn until to-morrow morning, 10 o'clock.

Carried.

House of Representatives,
City of Austin, January 12th, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names :

Messrs. Speaker, Armstrong, Bogart, Bourland, Bryan, Caruthers, Cunningham, Davis of L., Davis of R., Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Irion, Lamar, Miller of C., Miller of H., Millican, Moseley, McNeill, Neal, Pease, Perry, Potter, Rains, Rayner, Robertson, Railey, Runnels, Sadler, Shannon, Shaw, Stout, Stuart, Tankersley, Taylor, Truit, Webb, Walling, Winkler, White and Wren.

A quorum being present,

The Journal of the preceding day was read and adopted.

Mr. Willie presented the petition of J. M. Wilkinson, which was read, and

On motion of Mr. Willie,

Referred to the committee on Claims and Accounts.

Mr. Winkler presented the petition of Timothy Carpenter, which was read, and

On motion of Mr. Winkler,

Referred to the committee on Public Lands.

Mr. Wheeler presented the petition of Wm. W. Holman, which was read, and

On motion of Mr. Wheeler,

Referred to the committee on Claims and Accounts.

Mr. Tankersley presented the petition of John Steele, which was read.

Mr. Tankersley moved that it be referred to the committee on Finance.

Motion lost.

Mr. Crump moved that it be referred to the committee on Brands.

Motion carried.

Mr. Pease, chairman of the Judiciary committee, made the following report :

The committee on the Judiciary, to whom was referred "An act to incorporate the Texian German Friendship Association of Galveston," have considered the same, and a majority of the said committee perceiving no objections to the said act, have directed me to report the same back to the House, without amendment.

Report received, and the bill laid on the table, to come up with the orders of the day.

Mr. Pease, chairman of the Judiciary committee, made the following report :

The committee on the Judiciary, to whom was referred "An act amending certain land laws," have had the same under consideration, and a majority of the said committee have directed me to report the accompanying bill, entitled "An act to exclude fraudulent land certificates from being evidence of title to lands, and to prohibit the issuing of legal process upon the same," and recommend that it be adopted as a substitute for the original bill.

Report received, and the bill laid upon the table, to come up among the orders of the day.

A message was received from the Senate, informing the House that the Senate had passed the following bills :

A bill to be entitled "An act to amend the third section of an act providing for the transfer of records of administration to new counties," approved the 13th of May, 1846.

A bill to be entitled "An act to prohibit the recovery of money, or any article of value lost or won on bets or wagers ;"

A bill to be entitled "An act to make Robert Franklin Miller the lawful heir of Solomon Miller ;"

A bill to be entitled "An act to regulate the salaries of District Attorneys," having originated in the House of Representatives.

Mr. Pease, chairman of the committee on the Judiciary, made the following report :

The committee on the Judiciary, to whom was referred "A bill to be entitled an act to provide for the support of the poor," have had the said bill under consideration, and a majority of the said committee believing that, inasmuch as the County Courts by the existing laws are vested with full authority to provide

for the support of indigent persons, and for the burial of paupers, no necessity exists for further legislation on the subject at the present time: they have therefore directed me to report the bill back to the House, and recommend that it be laid upon the table.

Report adopted.

Mr. Pease, chairman of the committee on the Judiciary, made the following report:

The committee on the Judiciary, to whom was referred "An act authorizing persons who have received donation certificates, under the provisions of an act granting lands to those who were in the battle of San Jacinto and other battles," approved December the 21st, 1837, to alienate the said certificates, and the lands acquired under them, have had the same under consideration, and they recommend that the said act be amended, by striking out all after the word "determine," in the fourth line from the bottom: with these amendments, they see no objection to the passage of the act, and they recommend it to the favorable consideration of the House.

Mr. Pease, chairman of the committee on the Judiciary, made the following report:

The committee on the Judiciary, to whom was referred "A bill to be entitled an act to change the name of Robert Franklin Cypert to Robert Franklin Miller," have had the same under consideration. It appears from letter, which accompanies the bill, that the person whose name is proposed to be changed, has been called, heretofore, by different names: but that his father's name was Miller. The committee can perceive no objection to his taking that name: they have, therefore, directed me to report the bill back to the House, without amendment, and recommend its passage.

Report received, and the bill laid upon the table, to come up with the orders of the day.

Mr. Pease, chairman of the committee on the Judiciary, made the following report :

The committee on the Judiciary, to whom was referred "A bill to be entitled an act to legitimate certain children of Benjamin Bryant," have had the same under consideration, and, from the information adduced before the committee they are of opinion that the bill should be passed : they, therefore, return the bill to the House, without amendment, and recommend its passage.

Report received, and the bill laid upon the table, to come up among the orders of the day.

Mr. Allen, chairman of the committee on State Affairs, made the following report :

The committee on State Affairs, to whom was referred "A bill to prevent any person from working at his own trade, or employing his apprentices, servants or slaves, on the Sabbath day, called Sunday," have, after due consideration, of the same, instructed me to report the bill back to the House, with an accompanying substitute, and recommend the passage of the said substitute. The committee are aware that the observance of the Sabbath must depend, almost exclusively, upon the moral feelings which prevails in every community : but that a positive enactment on the subject, if not too restrictive, would be a valuable assistant to reprehension inflicted by a few, where violations of the Sabbath are frequent, and perpetrated by many.

Report received, and the bill laid upon the table, to come up among the orders of the day.

Mr. Allen, chairman of the committee on State Affairs, also made the following report :

The committee on State Affairs, to whom was referred "A joint resolution requesting the Governor to reside and keep his office at the seat of government," with an amendment thereto, inserting "Attorney General and Secretary of State," have had the same under consideration, and have instructed me to report the same back to the House, with a substitute for the same, which is recommended to be passed. The accompanying substitute embraces the object of the joint resolution, and of the amendment, so far as to include the Secretary of State. The present salary granted to the Attorney General is, as your committee are forced to believe; totally inadequate to induce any one of high legal ability, to relinquish the professional advantage which such a person is presumed to possess, and accept the office of Attorney General, hampered by the restriction expressed by the amendment. It seems to be clearly necessary to require the Executive and Secretary of State to reside at the seat of Government, because their duties are of such a nature as to demand the restriction: but the same cogent reasons should not be made applicable to the Attorney General, until the law regulating the salary of that officer be repealed, and his salary increased to such an amount as would be an inducement to eminent legal gentlemen; who, your committee feel confident, would not accept the highly important office of Attorney General should that officer be required to reside at the seat of government, with the present salary. Your committee are of opinion that the salary of that officer should be increased; *then* it might be proper to extend the requirements of the joint resolution to the Attorney General.

Report received, and the bill laid upon the table, to come up among the orders of the day.

Mr. Reagan, chairman of the committee on Public Lands, made the following report :

The committee on Public Lands, to whom was referred the

"memorial of John Keiser," have had the same under consideration, and have instructed me to report a bill for his relief and recommend its passage.

Report received, and the bill laid upon the table to come up among the orders of the day.

Mr. Reagan, chairman of the committee on Public Lands, made the following report:

The committee on Public Lands, to whom was referred the "Joint Resolution," passed by the Senate, "for the relief of Adolphus Sterne," have had the same under consideration, and have instructed me to report the same back to the House and recommend its passage.

Report received, and the joint resolution laid upon the table to come up with the orders of the day.

Mr. Reagan, chairman of the committee on Public Lands, made the following report:

The committee on Public Lands, to whom was referred the "Joint Resolution requiring the Commissioner of the General Land Office to issue a patent to the heirs of William P. Nunn, deceased, have had the same under consideration, and have adopted the accompanying substitute and instructed me to recommend its passage.

Report received, and the bill laid upon the table to come up with the orders of the day.

Mr. Reagan, chairman of the committee on Public Lands, made the following report:

The committee on Public Lands, to whom was referred the "Joint Resolution," passed by the Senate, "for the relief of Elijah D. Holland," have had the same under consideration, and have instructed me to report the same back to the House, and to recommend its passage.

Report received, and the joint resolution laid upon the table to come up with the orders of the day.

Mr. Potter, chairman of the committee on the Penitentiary, made the following report:

A majority of the committee on the Penitentiary, to whom was referred a "Resolution calling upon them to present a plan for the erection of a State Penitentiary, &c.," have had the same under consideration, and having duly deliberated thereon, have instructed me to report:—That they have carefully examined an Act, entitled "an Act, to establish a State Penitentiary," approved May 11th, 1846; and finding that said Act requires many amendments, your committee have deemed it advisable to recommend the repeal of said Act; and as a substitute therefor, they submit to the consideration of the House the accompanying bill, and recommend its passage. The bill submitted does not enter fully into the *minutiae* of the management and police of the Penitentiary, as the committee have deemed it advisable to leave to future legislation the regulation of such matters; after the Penitentiary shall have been put in operation, and its wants ascertained. Your committee, in view of the probability of the establishment of the Penitentiary system, respectfully beg leave to suggest the necessity of a revision of the criminal laws of the State, in order that they may be adapted to the same.

Report received, and the bill laid upon the table to come up with the orders of the day.

Mr. Irion, chairman of the committee on County Boundaries, made the following report:

The committee on County Boundaries have considered "an Act defining the Southern boundary line of Collin and Denton counties, and the Northern boundary line of Dallas and Henderson counties," and recommend its passage.

Report received, and the bill laid upon the table to come up with the orders of the day.

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills have examined the following:—"A bill to be entitled an act to amend an act supplementary to an act to create and organize the county of Panola." "An act to locate the county-seat of Navarro county." "A joint resolution instructing our Senators, and requesting our Representatives, in the Congress of the United States, to procure the passage of a law, to compel the Judge of the United States District Court, for the District of Texas, to reside and remain permanently within his District," and find the same correctly engrossed.

Report adopted.

Mr. Burroughs, chairman of the committee on Enrolled Bills made the following report:

The committee on Enrolled Bills have examined "an act to fix more permanently the seat of justice of the county of Collin," and find the same correctly enrolled; and, having been signed by the Speaker of the House of Representatives, and the President of the Senate, was this day presented to his Excellency, the Governor, for his approval.

Report adopted.

Mr. Runnels introduced "a bill to regulate the mode of disposing of runaway slaves."

Bill read a first time.

Mr. Tankersley, by leave, introduced a bill, to be entitled "an act to suppress Banking."

Bill read a first time.

Mr. Robertson introduced "a bill, in relation to a certain Company, or Association, claiming to have, and exercise banking privileges in this State.

Bill read a first time.

Mr. McCown introduced a bill, entitled "an act to incorporate the town of Montgomery."

Bill read a first time.

Mr. Dooley introduced the following resolution:

Resolved, That *that* portion of the message of his Excellency, Governor Wood, which recommended publishing the decisions of the Supreme Court, be referred to the committee on the Judiciary, with instructions to report by bill, or otherwise.

Resolution adopted.

Mr. Reagan moved that Mr. Runnels be added to the committee on the Apportionment of Representation.

Motion carried.

Mr. Bryan moved that Mr. Pease be added to the committee on the Apportionment of Representation.

Motion carried.

On motion of Mr. Taylor,

The orders of the day were taken up.

On motion of Mr. Lamar,

Mr. Allen was added to the special committee, to whom was referred the petition of Thos. F. McKinney.

On motion of Mr. Rayner,

Mr. Pease was added to the committee on the Apportionment of Representation.

Mr. McNeill moved to take up the resolution to go into the election of District Attornies, &c.

Motion carried.

Mr. Moseley moved a reconsideration of the vote first taken.

Motion lost.

Mr. Epperson moved to fill the blank with Thursday, the 13th inst.

Mr. Miller, of Houston, moved to fill the blank with the 15th of February.

Motion lost.

Mr. Tankersley moved to fill the blank with Saturday, the 15th.

Motion carried, and the resolution adopted.

A bill to be entitled "an act to change the mode of electing the Commissioner of the General Land Office," being the special order of the day, was taken up, together with the reports of the majority and minority of the committee on the Land Office.

Mr. Epperson moved the adoption of the minority of the committee.

Motion lost.

Mr. McNeill moved the adoption of the report of the majority of the committee, recommending the indefinite postponement of the bill.

Mr. Eddy moved that the House adjourn until 2 o'clock, P. M.

Motion lost.

Mr. Armstrong moved to adjourn until to-morrow morning, 10 o'clock.

Motion lost.

On motion of Mr. Burroughs,

The House adjourned until 3 o'clock, P. M.

3 o'clock, P. M.

The House met, the roll was called, and a quorum was found present.

The discussion on the bill to provide for electing the Commissioner of the General Land Office, was resumed.

Mr. Allen moved that the bill and report be laid on the table and made the special order of the day for Monday next.

Motion lost.

Mr. Allen moved that the House adjourn until to-morrow morning, 10 o'clock.

Motion lost.

On motion of Mr. Bourland, the House adjourned until to-morrow morning, 10 o'clock.

House of Representatives,
City of Austin, January 13th, 1848.

The House met pursuant to adjournment.

The Roll was called;

And the following members answered to their names :

Messrs. Speaker, Allen, Bourland, Burroughs, Caruthers, Crump, Crutcher, Cunningham, Davis, of L., Davis, of R., Dooley, Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Haynie, Irion, Lewis, Lott, Miller, of H., Millican, Moseley, Perry, Rains, Rayner, Renfro, Reagan, Robertson, Railey, Runnels, Sadler, Shannon, Shaw, Sterne, Stout, Stuart, Tankersley, Taylor, Truitt, Webb, Walling, Winkler, Wheeler, White, Willie and Wren.

A quorum being present,

The Journal of the preceding day was read and adopted.

A message was received from the Senate, informing the House that the Senate had passed the following Bill and Joint Resolution; both of which originated in the House of Representatives:

Joint Resolution for the relief of John S. McNairy.

A Bill to be entitled, "An Act to establish Public Schools in Galveston."

The discussion on the Bill prescribing the mode of electing the Commissioner of the General Land Office, was resumed, the same being the special order of the day.

Mr. Stuart, moved that the House act upon the previous question.

Mr. Bryan, moved that a call of the House be made.

Motion carried.

Mr. Rayner, moved a suspension of the call.

Motion lost.

Mr. Eddy, moved that the call be suspended.

Motion lost.

Mr. Rayner, moved that the absent members be sent for.

Motion carried.

Mr. Winkler, moved a suspension of the call.

Motion carried.

Mr. Irion, moved that a call of the House be made.

Motion carried.

Mr. Caruthers, moved that the House act upon the previous question.

Motion lost.

A message was received from the Senate, through its Chief Secretary, N. C. Raymond, informing the House that the following Joint Resolution and Bill; both of which originated in the House, had been passed by the Senate:

Joint Resolution for the relief of Assessors and Collectors of Taxes.

A Bill to be entitled, "An Act appropriating five thousand dollars, for the contingent expenses of both Houses of the Legislature;" with the following amendment to the Joint Resolution:

Strike out the caption, and insert, "Joint Resolution appropriating four thousand dollars, for the compensation of the Assessor of direct taxes, for taking the enumeration of the inhabitants of the State of Texas, for the year 1847.

Mr. Gilliam moved that the House act upon the previous question, relative to the mode of electing the Commissioner of the General Land Office.

Mr. Burroughs moved that a call of the House be made.

Motion lost.

Question: Shall the main question now be taken?

The House decided in the negative.

Mr. Tankersley moved that a call of the House be made.

Motion carried.

Mr. Epperson moved a suspension of the call.

Mr. Rayner moved that the call be suspended.

Motion lost.

Mr. Burroughs moved a suspension of the call.

Motion carried.

Mr. Bourland moved that the report of the majority of the committee on the Land Office be laid upon the table.

The yeas and nays were called, on the motion of Mr. Bourland, and stood as follows:

Yeas—Messrs. Speaker, Allen, Bourland, Cunningham, Davis of L., Davis of R., Epperson, Gilliam, Goode, Harde-
man, Haynie, Rayner, Reagan, Shannon, Shaw, Sterne, Stout,
Taylor, Webb, Walling, Winkler, White and Wren—28.

Nays—Messrs. Armstrong, Bogart, Burroughs, Bryan, Ed-
wards, Fields, Irion, Keenan, Lamar, Lewis, Lott, Miller of
C., Millican, McCown, McNeill, Pease, Potter, Rains, Ren-
fro, Robertson, Rodgers, Railey, Sadler, Stuart, Tankersley,
Truitt and Willie—32.

Motion lost.

Question: Shall the report of the majority of the committee on the Land Office be adopted?

Mr. Allen moved that a call of the House be made.

Motion carried.

Mr. Irion moved a suspension of the call.

Motion carried.

The yeas and nays were then called on the adoption of the report, and stood as follows:

Yeas—Messrs. Allen, Armstrong, Bogart, Bryan, Crutcher, Davis of R., Dooley, Eddy, Edwards, Fields, Hardeman, Haynie, Irion, Keenan, Lamar, Lewis, Lott, Lyons, Miller of C., Millican, McNeal, Pease, Potter, Rains, Robertson, Rogers, Runnels, Sadler, Sterne, Stuart, Tankersley, Truitt, Walling, Wheeler, and Willie—35.

Nays—Messrs. Speaker, Bourland, Burroughs, Caruthers, Crump, Cunningham, Davis of L., Epperson, Gilliam, Goode, Miller of H., Moseley, McCown, Neal, Perry, Rayner, Renfro, Reagan, Railey, Shannon, Shaw, Stout, Taylor, Webb, Winkler, White and Wren—21.

Report adopted.

Mr. Burroughs moved that the House fix the day for the election of Commissioner of the General Land Office.

Motion carried.

The following members gave notice to the House, that they would enter their protest against the action of the House, on the report of a majority of the committee on the Land Office:

Messrs. Cunningham, Bourland, Stout, McCown, Reagan, Moseley, Webb and Goode.

Mr. Taylor moved that the House adjourn until 3 o'clock, p. m.

Motion lost.

The resolution providing for the two Houses to meet in the Representative Hall, on the day of January inst., for the purpose of electing a Commissioner of the General Land Office;

Was taken up, and read.

Mr. Sadler moved that the blank be filled with Saturday, the 15th inst.

Motion carried.

Question: Shall the Resolution, as amended, be adopted?

The yeas and nays were called on the question, and stood as follows:

Yeas—Allen, Armstrong, Bogart, Burroughs, Bryan, Crump, Crutcher, Davis of R., Dooley, Eddy, Edwards, Fields, Harde-
man, Haynie, Irion, Keenan, Lewis, Lott, Lyons, Miller of C.,
Miller of H., Millican, McNeill, Pease, Potter, Rains, Rayner,
Renfro, Rogers, Sadler, Sterne, Stout, Stuart, Tankersley,
Truit, Webb, Walling, Wheeler Willie and Wren—40.

Nays—Messrs. Speaker, Bourland, Caruthers, Cunningham,
Davis of L., Epperson, Goode, Lamar, Moseley, McCown,
Neal, Perry, Reagan, Robertson, Railey, Runnels, Shannon,
Shaw, Taylor, Winkler and White—21.

Resolution adopted.

M. Sadler moved that the House adjourn until 3 o'clock,
p. m.

On motion of Mr. Goode,

The House adjourned until 10 o'clock, to-morrow morning.

House of Representatives,
Austin, Jan. 14, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs. Speaker, Armstrong, Bogart, Bourland, Burroughs,
Bryan, Caruthers, Crutcher, Cunningham, Davis of L., Davis
of R., Dooley, Eddy, Edwards, Epperson, Fields, Gilliam, Goode,
Hardeman, Haynie, Keenan, Lamar, Lewis, Lott, Miller of
Colorado, Miller of Houston, Millican, Moseley, Neal, Pease,
Perry, Rayner, Renfro, Reagan, Robertson, Runnels, Sadler,
Shaw, Sterne, Stout, Stewart, Tankersley, Taylor, Truit, Webb,
Walling, Winkler, Wheeler, White, Willie and Wren.

A quorum present.

The Journal of the preceding day was read and adopted.

Mr. Eddy moved to take up the orders of the day.

Carried.

A joint resolution for the relief of Jno. S. McNairy, (with amendments made by the Senate.)

Were read; and

The amendments concurred in.

A bill to be entitled an act for the relief of assessors and collectors of taxes, with amendments made by the Senate.

Were read; and

Amendments concurred in.

Mr. Burroughs, chairman of the committee on enrolled bills, made the following report:

The committee on enrolled bills, have examined an act granting ferry privileges to Nancy Hutchinson; also,

An act for the relief of Martin Walker, and find the same correctly enrolled, and having been signed by the Speaker of the House of Representatives, and President of the Senate, was this day presented to his excellency the Governor, for his approval.

Read and adopted.

A resolution authorizing the committee on public lands to send for persons and papers in the investigation of certain colony contracts.

Read and adopted.

A joint resolution requesting our Senators and Representatives to procure the passage of a law establishing two districts, for the United States District Court in Texas.

Read a third time and passed.

Mr. Bryan, chairman of the committee on engrossed bills, by leave, reported that they had examined a joint resolution instructing our Senators and requesting our Representatives in the Congress of the United States, to procure additional mail service; and find the same correctly engrossed.

Read and adopted.

A bill to be entitled an act requiring the County Commissioners to regulate roads, &c.

On motion of Mr. Robertson,

Read by caption a second time, and referred to the committee on roads and public highways.

A bill to be entitled an act establishing a line of military posts, &c.

Read a second time; and

On motion of Mr. Cunningham,

Referred to the committee on State affairs.

A bill to be entitled an act to create the counties of Starr, Webb and Taylor.

Was taken up; and

On motion of Mr. Lamar,

Laid on the table for the present.

A joint resolution for the relief of Ford and Cronican.

Read a first time.

A bill to be entitled an act giving plaintiff's in execution, the benefit of deeds of trust.

Read a second time, and

On motion of Mr. Moseley,

Referred to the judiciary committee.

A bill to be entitled an act to amend an act defining the duties of Attorney General.

Read a second time, and

On motion of Mr. Armstrong,

Referred to the committee on the judiciary.

A bill to be entitled an act to admit certain evidence in proceedings against debtors of the late Republic of Texas.

Read a second time.

Mr. Winkler moved to amend the caption by striking out the words "Senate and House of Representatives," and insert "Legislature."

Carried; and

On motion of Mr. Winkler,

Referred to the judiciary committee.

A bill to be entitled an act to define the boundaries of Comal county.

Read a second time, and

On motion of Mr. Dooley,

Referred to the committee on county boundaries.

A bill to be entitled an act to change the time of holding the district courts in the third judicial district.

By leave, Mr. Moseley introduced the following resolution:

Resolved, That the judiciary committee be, and they are

thereby requested to act jointly with the committee raised on the part of the Senate, to enquire what changes are required, in the present judicial district, and what new districts, if any required, and report to this House, by bill or otherwise.

Read and adopted.

By leave, Mr. Haynie introduced the following resolution :

Resolved, That the Post Master at Austin be required to advise the Post Masters on the route from Houston to Austin, to deliver the mail to the contractors every other day.

Read and adopted.

The bill changing the time of holding the Courts in the 3d Judicial District, was read a second time, and

On motion of Mr. Willie,

Referred to the Judiciary committee.

A bill to be entitled an act regulating proceedings in cases of forcible entry and detainer.

On motion of Mr. Davis, of Robertson,

Read a second time by its caption, and

On motion of Mr. Stuart,

Referred to the Judiciary committee.

A bill to be entitled an act to legitimate certain children.

Read a first time.

A bill to be entitled an act to define the boundaries of Go-
liad county.

Mr. Lott moved to lay the bill on the table.

Lost.

Bill read a third time and passed.

A bill to be entitled an act better defining the northern boundary line of Collin county.

Read a third time.

Mr. Bourland moved to strike out of the caption, the word "better."

Carried and bill passed.

A bill to be entitled an act to create a lien on domestic vessels for materials and supplies furnished them, and work done thereon.

Read a third time and passed.

A bill to be entitled an act for the relief of Robt. H. Beale.

Read a second time, and

On motion of Mr. Armstrong,
Referred to the Judiciary committee.

A bill to be entitled and act to provide for the election of Governor, Lieutenant Governor and members to the Legislature.

Read a second time.

Mr. Stuart moved to insert the words "two Representatives in the Congress of the United States."

Carried.

Mr. Davis, of R., moved to strike out the word "September," and insert the word "August."

Mr. Goode moved to refer to the committee on Privileges and Elections.

Mr. Winkler moved a call of the House.

Carried.

Messrs. McCown, Rains and Rodgers were excused from the call.

Mr. Gilliam moved to suspend the call of the House.

Carried.

Question on reference to the committee on Privileges and Elections.

Carried.

A bill to create the county of Perdenalis.

On motion of Mr. Allen, read by caption a second time, and referred to the committee on County Boundaries.

A bill authorizing the County Court of Fort Bend county to levy an additional tax.

Mr. Lott moved that the bill be read by caption, and referred to the committee on Finance.

Lost.

Read a second time, and,

On motion of Mr. Runnels,

Referred to the committee on the Judiciary.

A bill to be entitled an act to amend the 11th section of an act supplementary to an act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants.

Read a second time, and,

On motion of Mr. Stout,

Referred to the committee on Public Lands.

A bill making the State a party to suits brought for lands.

On motion of Mr. Stout, read by caption, and

Referred to the committee on the Judiciary.

A bill to repeal in part the 4th section of "an act to raise a revenue by direct taxation, approved 28th April, 1846."

Read a second time, and

On motion of Mr. Taylor,

Referred to the committee on Finance.

An act to authorize the city of Galveston to appoint Firemen, and to exempt the same from militia and jury duty.

Read a second time, and,

On motion of Mr. Stuart,

Ordered to be engrossed.

A resolution requesting the committee on Finance to enquire into the expediency of making an adequate appropriation in conformity with the suggestions of Gov. Henderson, in his message, for defraying the expenses of all troops raised by order of the State Executive.

Mr. Stout moved that the resolution be laid on the table.

Mr. Davis moved a call of the House.

Carried.

Mr. Eddy moved a suspension of the call.

Carried.

Mr. Crutcher moved the House excuse Mr. Webb from the call of the House, for absence on account of ill health.

Excused.

Mr. Lott moved the previous question.

Carried.

Question on adoption of the resolution:

Yeas and nays being called for, stood,

Yeas—Messrs. Speaker, Allen, Bogart, Bourland, Burroughs, Caruthers, Davis of R., Eddy, Edwards, Fields, Goode, Hardeman, Keenan, Lewis, Lott, Moseley, Perry, Rayner, Renfro, Reagan, Runnels, Shannon, Sterne, Tankersley, Truitt, Walling, Winkler and Wheeler—28.

Nays—Messrs. Armstrong, Bryan, Crump, Crutcher, Cunningham, Davis of L., Dooley, Gilliam, Haynie, Miller of C., Miller of H., Millican, McNeill, Neal, Pease, Robertson, Sadler, Shaw, Stout, Stuart, Taylor, White, Willie and Wren—24.

Resolution adopted.

Mr. Runnels moved a reconsideration of the vote adopting

the report of the majority of the committee on the Land Office.

Mr. Bourland moved to lay the motion on the table.

Mr. Stout moved a call of the House.

Mr. Fields moved that the House adjourn till 2 o'clock, p. m.

Lost.

Mr. Willie moved that the House stand adjourned till 10 o'clock, to-morrow morning.

Lost.

On motion of Mr. McNeill, a call of the House was made.

Quorum present.

On motion of Mr. Eddy, the call of the House was suspended.

Mr. Robertson moved that the House stand adjourned till to-morrow morning, 10 o'clock.

Lost.

Mr. Willie moved to amend by inserting after "table," "till the 4th of July next."

Adopted by the following vote :

Yeas—Messrs. Armstrong, Bogart, Bryan, Crutcher, Davis of R., Dooley, Eddy, Edwards, Fields, Haynie, Keenan, Lewis, Lott, Miller of C., Millican, McNeill, Pease, Potter, Robertson, Runnels, Sadler, Sterne, Stuart, Tankersley, Truitt, Wheeler and Willie—26.

Nays—Messrs. Speaker, Allen, Bourland, Burroughs, Carothers, Crump, Cunningham, Davis of L., Gilliam, Goode, Hardeman, Miller of H., Moseley, Neal, Perry, Raynor, Reagan, Shannon, Shaw, Stout, Taylor, Walling, Winkler, White and Wren—25.

Question on the motion as amended :

Yeas and Nays being called for, stood,

Yeas—Messrs. Armstrong, Bogart, Bryan, Crutcher, Davis of R., Dooley, Edwards, Fields, Haynie, Keenan, Lewis, Lott, Miller of C., Millican, McNeill, Pease, Potter, Raynor, Robertson, Runnels, Sadler, Sterne, Stuart, Tankersley, Truitt, Wheeler and Willie—27.

Nays—Messrs. Bourland, Burroughs, Caruthers, Crump, Cunningham, Davis of L., Eddy, Gilliam, Goode, Hardeman,

Miller of H., Moseley, Neal, Perry, Reagan, Shannon, Shaw, Stout, Taylor, Walling, Winkler, White and Wren—23.

Motion to reconsider laid on the table till the 4th of July next.

Mr. Speaker was excused by the House from voting.

Mr. Allen also asked to be excused from voting.

An act requiring all officers of this State to continue to perform the duties of their offices until their successors are elected and qualified according to law.

Read a second time.

Mr. McNeill moved that the House adjourn till to-morrow morning, 10 o'clock.

Lost.

Mr. Bogart asked leave to make a report.

Refused.

Mr. Lott moved the engrossment of the bill.

Carried, and bill ordered to be engrossed.

Mr. Miller of H., moved the House adjourn till 3 o'clock, p. m.

Lost.

A bill to compel owners and renters of cotton gins to keep them enclosed, to prevent stock from having access to the cotton seed thereof, by the eating of which it may die.

Mr. Keenan moved to refer to the committee on the Judiciary.

Lost.

Mr. Eddy moved the indefinite postponement.

Mr. Gilliam moved to refer to the committee on State Affairs.

Carried.

A bill fixing the county seat of De Witt county.

Read a second time, and

On motion of Mr. Allen,

Referred to the committee on County Boundaries.

Mr. Sadler in the chair.

An act to prescribe the mode of electing the Commissioner of the General Land Office, taken up and read.

Mr. McNeill moved its rejection.

Mr. Winkler moved the House adjourn until to-morrow morning, 10 o'clock.

Lost.

Mr. Crutcher moved the previous question.

Mr. Henderson moved the indefinite postponement of the bill.

Mr. Keenan moved that leave be given Mr. Lott to withdraw and alter the caption of the bill.

Question on the indefinite postponement.

The yeas and nays being called for stood thus:

Yeas—Messrs. Speaker, Allen, Bogart, Burroughs, Bourland, Bryan, Caruthers, Crump, Davis of L., Dooley, Eddy, Edwards, Epperson, Gilliam, Goode, Hardeman, Haynie, Lewis, Miller of C., Miller of H., Millican, Moseley, McNeill, Neal, Pease, Perry, Rains, Reagan, Robertson, Runnels, Shannon, Shaw, Stuart, Tankersley, Taylor, Truitt, Winkler, Wheeler and Willie—37.

Nays—Messrs. Crutcher, Cunningham, Davis of R., Fields, Keenan, Lott, Potter, Sadler, Sterne, Stout, Walling, White and Wren—13.

Bill indefinitely postponed.

Mr. Lott gave notice that he would enter his protest against the action of the House on the bill.

Mr. Miller of H., moved that the House stand adjourned until to-morrow morning, 10 o'clock.

Carried.

House of Representatives,
City of Austin, Jan 15th, 1848.

The House met, pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs. Speaker, Armstrong, Bogart, Bourland, Burroughs,

Caruthers, Crump, Crutcher, Cunningham, Davis of R., Davis of L., Dooley, Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lott, Lyons, Miller of C., Miller of H., Mosely, McCown, McNeill, Neal, Pease, Rains, Reagan, Renfro, Rayner, Robertson, Rodgers, Runnels, Sadler, Shannon, Shaw, Sterne, Stout, Stuart, Tankersley, Truitt, Walling, Wheeler, White and Willie.

A quorum present.

The Journal of preceding day was read and adopted.

The chair announced the resignation of the Hon. Jno. D. Anderson on the Speaker's table, which was read, and

On motion of Mr. Allen,

Ordered to be spread on the Journals of the House.

Seguin, January 10th, 1848.

To the Honorable

Speaker of the House of Representatives :

Dear Sir,—

Permit me to tender to you, and through you to the Legislature of the State of Texas, my resignation as one of its members. Owing to my ill health, I find it impossible to bestow that labor and attention which the duties of my station require; and impressed with the belief that it is due my constituents to resign the office I hold, have accordingly tendered it.

With much esteem,

I am your ob'dt serv't.

(Signed)

JNO. D. ANDERSON.

A message was received from the Senate, informing the House that the Senate had passed a bill to be entitled an act to repeal an act entitled an act to regulate the license and practice of Attorneys and Counsellors at Law, approved 12th May, 1846, and had accepted the invitation of the House to go into the election of a Commissioner of the General Land Office to-day, and had fixed the hour at 12 o'clock for that purpose.

Mr. Fields presented the petition of Sarah Ann Kelton.
Read, and

Referred to the Judiciary committee.

Mr. McNeill presented two petitions from the citizens of Grimes county, which,

On motion,

Was referred to the committee on County Boundaries, without reading.

Mr. Armstrong presented the petition of sundry citizens of Jefferson county, for the formation of the county of Delta.

Read, and

On motion of Mr. Armstrong,

Referred to the committee on County Boundaries.

Mr. Keenan presented the petition of numerous citizens of Grimes county, which,

On motion of Mr. Keenan,

Was referred to the committee on County Boundaries, without reading.

Mr. Winkler presented a petition and remonstrance from the citizens of Leon county, which,

On motion of Mr. Winkler,

Was referred to the committee on County Boundaries, without reading.

Mr. Stuart, chairman of the committee on Finance, made the following report:

The committee on Finance, to which was referred a bill to be entitled an act providing for the sale of the property belonging to the State of Texas, formerly owned by the late government for custom purposes, have had the same under consideration, and instruct me to report it back to the House, and recommend its passage.

Read and laid on the table, to come up among the orders of the day.

Mr. Stuart, from the Finance committee, reported that:—

"The committee on Finance, to which was referred the bill to be entitled an act to exempt from taxation property designed and used for purposes of religious worship, and of education, with instructions so to amend the same as to fix a minimum limit not to exceed ten acres in the amount of land thus exempt from taxation, in one body, have instructed me to report the bill back to the House, with amendments."

Read, and laid on the table, to come up among the orders of the day.

Mr. Allen, chairman of the committee on State Affairs, reported that—"The committee on State affairs, to whom was referred a joint resolution authorizing the Comptroller of Public Accounts to provide a residence in the city of Austin, for the Executive of the State, have instructed me to report the same back to the House without amendment, and to recommend its passage."

Read, and laid on the table, to come up among the orders of the day.

Mr. Allen, chairman of the committee on State Affairs, reported, that—"The committee on State Affairs, to whom was referred a bill to be entitled an act to prescribe the time of the biennial meeting of the Legislature of the State of Texas," have instructed me to report the same back to the House, and recommend that it be laid on the table, inasmuch as a bill of exactly the same purport had been previously before the committee, and a favorable report made thereon, and received by the House.

Read, and
On motion of Mr. Willie,
Laid on the table.

Mr. Webb, chairman of the committee on Federal relations

reported that—"The committee on Federal Relations, to whom was referred the joint resolution for the relief of the citizens of Texas, who had their property destroyed and taken off by the Mexican Government during the revolution, have had the same under consideration, and beg leave to report it back to the House, and recommend its passage, with the accompanying amendment: in the seventeenth line, after the word "draft," insert "if they think it expedient."

Read, and laid on the table, to come up among the orders of the day.

Mr. Reagan, Chairman of the committee on Public Lands, reported, that the committee on Public Lands, to whom was referred the petition of Reuben A. Carter, have had the same under consideration, and report that they are satisfied from the representations made in the petition, which are well established by official evidence, that both the petitioner and his afflicted daughter mentioned in the petition, are such persons as should be provided for by law.

But your committee doubt the propriety of making original grants for land by the State subsequent to the adoption of joint resolution annexing Texas to the Government of the United States, as by these resolutions the Public Lands are bound for the payment of our public debt. Your committee are also opposed to granting private relief, other than by general enactment, except in order to perfect existing rights to cure defect in rights where there is no remedy at law. Your committee have further instructed me to recommend that the committee on the Judiciary be requested to enquire into the propriety of passing a general law for the support of paupers.

Read and adopted.

Mr. Reagan also reported that—"The committee on Public Lands, to whom was referred the petition of Collin Forbes, have had the same under consideration, and have instructed me

to report the same back to the House, and ask to be discharged from its further consideration.

Read and adopted.

Mr. Reagan reported that "the committee on public lands to whom was referred the petition of Thos. G. Masterson, have had under consideration and have instructed me to report the same back to the House and ask to be discharged from its further consideration for want of evidence of the numbers and identity of the scrip mentioned in the petition.

Read and adopted.

Mr. Miller of H., introduced a bill to be entitled an act to amend the third section of an act entitled an act to provide for the disposition of funds received from the United States, approved 3d January, 1848.

Read a first time.

Also, a bill to be entitled an act to regulate mills and millers.

Read a first time.

Mr. Taylor introduced a bill to be entitled an act for the relief of the heirs of Isaac Van Zandt, deceased.

Read a first time.

Mr. Stout introduced a bill to be entitled an act to provide for the issuance of patents and land certificates that have been conditionally recommended.

Read a first time.

Mr. Cunningham introduced a bill to be entitled an act to incorporate the city of La Vaca.

Read a first time.

A message was received from the Senate, informing the House that the Senate had adopted a resolution to go into the election of a Public Printer on the 21st instant.

Also, a resolution instructing the committee on contingent expenses of the two Houses to receive sealed proposals for the

printing of the Laws and Journals of the present session of the Legislature, in all of which they respectfully ask the concurrence of the House.

Mr. Willie introduced the following resolution:

"Resolved, That the House concur in the time as fixed by the Senate to go into the election of a Commissioner of the General Land Office, and that the Clerk inform the Senate of the passage of this resolution."

Read, and

On motion of Mr. McNeill, laid on the table by the following vote.

Yeas—Messrs. Speaker, Allen, Bourland, Caruthers, Crump, Cunningham, Davis of L., Eddy, Epperson, Gilliam, Goode, Hardeman, Haynie, Keenan, Lamar, Moseley, McCown, McNeill, Neal, Perry, Rayner, Renfro, Reagan, Robertson, Rogers, Railey, Runnels, Sadler, Shannon, Shaw, Sterne, Stout, Taylor, Winkler, White and Wren—36.

Nays—Messrs. Bogart, Burroughs, Bryan, Crutcher, Davis of R., Dooley, Edwards, Fields, Irion, Lewis, Lott, Lyons, Miller of C., Miller of H., Pease, Potter, Rains, Stuart, Tankersley, Truitt, Walling, Wheeler and Willie—23.

By leave, Mr. Bourland introduced the following resolution.

"Resolved, That the committee on the Land Office be instructed to inquire into the manner in which the monies appropriated for blanks, patents, stationery and books, postage and other appropriations at the disposition and disbursement of the General Land Office. The vouchers for such disbursement; also, the returns made by said Office of Government dues and patent fees by him received. Also, to inquire whether or not said Commissioner of the General Land Office has committed any malfeasance in office, and that the committee be authorized to call for persons and papers.

Read and adopted.

A message was received from the Senate, informing the House that the Senate had passed a bill authorizing the county court of Red River county to have certain books recorded with amendments.

Also, had passed a substitute for the bill supplementary to an act to organize the county of Upshur.

And refused to adopt the substitute to a joint resolution instructing our Senators and Representatives in Congress to procure the passage of a law establishing two Districts for the U. States Court.

And had passed a bill to be entitled an act to incorporate the town of Bonham.

Mr. Burroughs, Chairman of the committee on enrolled bills reported that they have examined an act making appropriation of five hundred dollars for the contingent expenses of both Houses of the Legislature, and find the same correctly enrolled, and having been signed by the Speaker of the House of Representatives and President of the Senate, was this day presented to his Excellency the Governor for his approval.

Read and adopted.

Mr. Fields introduced a bill to be entitled an act to authorize Sarah Ann Kelton wife of O. P. Kelton, a lunatic to make valid conveyance of real estate and negroes.

Read a first time.

On motion of Mr. Runnels,

The House adjourned until Monday morning half past 9 o'clock.

House of Representatives,
Austin, Jan. 17, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names :

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Bryan, Caruthers, Crump, Crutcher, Cunningham, Davis of L., Davis of R., Dooley, Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Haynie, Lamar, Lewis, Lott, Lyons, Miller of C., Miller of H. Moseley, McCown, McNeill, Neal, Pease, Perry, Potter, Rayner, Renfro, Reagan, Robertson, Rogers, Railey, Runnels, Sadler, Shannon, Shaw, Sterne, Stout, Stuart, Tankersley, Taylor, Truitt, Walling, Winkler, Wheeler, White, Willie and Wren.

A quorum present.

The Journal of the preceding day was read and adopted.

Mr. Willie presented the excuse of Mr. Irion on account of sickness.

Excused.

Mr. Henderson asked leave of absence for Mr. Hardeman on account of the sickness of his family.

Granted.

Mr. Raynor asked that Mr. Millican be excused on account of sickness.

Excused.

Mr. Willie in the chair.

Mr. Robertson asked that Mr. Keenan be excused on account of his attendance on Mr. Millican.

Excused.

Mr. Henderson presented the petition of Humphrey Bates, Read, and

On motion of Mr. Henderson, referred to the committee on Public Lands.

Mr. Pease, Chairman of the committee on the Judiciary, made the following report.

The committee on the Judiciary to whom was referred "an act to repeal a certain clause or proviso in the first section of an act passed by the Congress of the late Republic of Texas, granting land to late emigrants," have had the same under consideration. This act proposed to repeal the proviso contained in "an act granting lands to late emigrants, approved January 4th, 1839," which proviso declared that no sale of a claim to land under that act should be valid until an unconditional deed was obtained by the grantee; the act also proposes to legalize sales of such claims which have heretofore been made. The committee are of opinion that it would be inexpedient to repeal the proviso, and that any attempt by this Legislature to legalize such sales would be unconstitutional and inoperative. They have therefore directed me to report the act to the House and recommend that it be laid on the table.

Adopted.

Mr. Pease, Chairman of the committee on the Judiciary likewise reported as follows:

The committee on the Judiciary to whom was referred "a bill to be entitled an act requiring certain land titles to be re-recorded," have considered the same, and a majority of said committee have directed me to report the accompanying bill to be entitled an act requiring certain land titles issued under the authority of the government of Spain, Mexico and Coahuila and Texas, to be recorded, which they recommend should be adopted by the House as a substitute for the original bill.

Report and substitute received to come up among the orders of the day.

Mr. Armstrong presented the petition of sundry citizens praying for a new county.

Read and referred to the committee on county boundaries.

Mr. Pease, chairman of the committee on the Judiciary made the following report.

The committee on the Judiciary to whom was referred "a bill to be entitled an act defining the manner of transferring judgments for money "have considered the same, and a majority of said committee not perceiving any advantage that would result from the passage of such a bill have directed me to report the same to the House and recommend that it be laid on the table.

Adopted.

Mr. Bryan, chairman of the committee on engrossed bills, reported as follows:

The committee on engrossed bills, have examined the following bills:

"An act requiring all officers of this State to continue to perform the duties of their offices, until their successors are elected and qualified according to law."

"An act to authorize the city of Galveston to appoint Firemen, and to exempt the same from militia and jury duty, and find the same correctly engrossed."

Adopted.

Mr. Neal introduced a resolution requiring the Commissioner of the General Land Office to report to this body at the earliest day practicable:

1st. The number of patents issued by him as Commissioner of said Land Office, for each year, distinguishing in his report

the different classes of claims on which said patents have issued, the quantity of each patent, the quantity of pasture and the quantity of arable lands where the same have been classified; also, distinguishing the counties in which said lands were situated at the time of issuing the patents.

2d. The amount received each year for patents, the amount of government dues received for lands patented by virtue of headright certificates, under the constitution and laws of the Republic and State of Texas; and also, the amount of Government dues received on account of lands granted by the government of the State of Coahuila and Texas, or by any prior government distinguishing in the latter case, when, and by whom said dues were paid; the extent of the claims on which the same were paid, where situated, when, and by what government they purport to have been granted.

3d. A detailed statement of the amount of fees received each year in said office; particularizing the items for which such fees were received; from whom, and to what purpose appropriated.

4th. The annual amount received for the contingent expenses of the Land Office, and a detailed statement of the manner in which the same has been appropriated; also, the quantity of land surveyed in each year, by virtue of land scrip, and the amount paid therefor.

Adopted.

Mr. Fields, chairman of the select committee, made the following report:

The select committee, to whom was referred a bill entitled "an act creating certain penalties," have had the same under consideration and have requested me to report the accompanying bill, to wit: an act concerning the forfeiture of certain neat cattle, as a substitute for the same, and respectfully recommend its passage.

Report read.

Substitute to come up among the orders of the day.

Mr. Reagan introduced a resolution that the Commissioner be, and he is hereby requested to report to the House of Representatives the number and size of all Spanish grants, field notes and patents, or other evidence of right, if any, to lands; and also, all books or papers purporting to be archives that have been filed in the General Land Office, since the annexation of Texas to the government of the United States, and that he be requested to specify as nearly as his means of information will allow, what portion of said grants, field notes, patents, evidences of right, or books and papers purporting to be archives, have been brought from the government of Mexico, and what portion have been transmitted from within Texas, and by whom any of the above named documents may have been filed; specifying the date of the filing of each. That said Commissioner General be requested to report at the earliest practicable period.

Adopted.

Mr. Bogart introduced a bill to establish the seat of justice of Denton county.

Read a first time.

Mr. Armstrong presented a joint resolution, requesting the Senators and Representatives in Congress, from this State, to procure the passage of a law appropriating a sufficient sum of money to be expended in clearing out the Sabine river.

Read a first time.

Mr. Edwards moved to take up the orders of the day.

Carried.

An act to reduce to its constitutional size, define the boundaries, and permanently to locate the county seat of Henderson county.

Read a second time by caption; and

On motion of Mr. Raynor,

Referred to the committee on county boundaries.

A bill to authorize a special tax to be levied upon the citizens of Harris county.

Read a second time; and

On motion of Mr. Henderson,
Referred to the committee on finance.

An act to provide for fixing the seat of Justice for the county of Newton.

Read a first time.

A bill reported back to the House by the Judiciary committee, to repeal certain acts therein named, with amendments by said committee.

Report adopted.

Mr. Miller of Houston, moved the engrossment.

An act to prescribe the time of the biennial meeting of the Legislature of the State of Texas, with a substitute, reported by the judiciary committee.

Mr. Pease moved to strike out the second Monday in November, and insert the first Monday in December.

On motion of Mr. Allen,

Report, substitute and amendment ordered to lie on the table.

A bill to provide for the establishment of free public schools in the different counties of this State, with amendments, reported by the majority of the committee on education.

Amendments read and adopted.

Mr. Haynie moved that sixty-six copies of the bill and the amendments of the majority of the committee be printed.

Mr. Henderson offered to amend by inserting "one hundred" for "stxty-six."

Mr. Bogart moved to insert "one hundred and thirty-two."

Lost.

Question on Mr. Henderson's amendment was taken and carried.

Mr. Pease moved to lay on the table till the bill is printed.

Carried.

Mr. Cunningham moved that the report of the committee on county boundaries, be taken up, on the bill to create the counties of Starr, Webb and Taylor.

Carried.

A bill to authorize and require the Governor of the State of

Texas to cause the constitution and certain laws of the State to be translated into the German and Spanish languages, with substitutes reported by the committee on State affairs.

Mr. Runnels moved that bill and substitute lie on the table.

Carried.

A resolution that the sum of six hundred and fifty dollars be appropriated out of any unappropriated funds in the Treasury for the use and benefit of William H. Elliot, of Shelby county, as compensation for his expenses for marching a company of mounted volunteers under the call of the Governor of Texas, to the place of rendezvous at Austin.

Mr. Caruthers moved to lay on the table.

Mr. Robertson moved to insert after table, "till 4th of July."

Mr. Runnels moved to refer to the committee on brands.

Lost.

Mr. Goode moved to refer to the committee on claims and accounts.

Carried.

A bill fixing the time at which the regular session of the Legislature of this State shall commence.

On motion of Mr. Crutcher,

Ordered to lie on the table.

A substitute to the bill to create the county of Starr.

Read.

Mr. Fields moved to strike out Starr, and insert Scott.

Mr. Cunningham moved to amend the amendment by inserting Sam Walker.

Mr. Lott moved the previous question.

Carried.

Question on engrossment.

Carried, and bill ordered to be engrossed.

Substitute for the bill to create the county of Webb,

Was taken up and read.

Mr. Cunningham moved its engrossment.

Mr. Fields moved to strike out Webb, and insert Worth.

Lost.

Question on engrossment.

Was taken and carried, and bill ordered to be engrossed.

Substitute for a bill to create the county of Taylor,
Was taken up and read.

Mr. Cunningham moved its engrossment.

Mr. Henderson moved to strike out Taylor and insert Cameron.

Mr. Miller of H, moved to strike out and insert Cooke.

Question on the motion of Mr. Henderson?

Taken and carried.

Bill ordered to be engrossed.

Substitute for the bill better defining the boundaries of Nueces county;

Taken up and read; and

On motion of Mr. Cunningham,

Ordered to be engrossed.

A bill amending certain land laws—substitute.

Read and adopted, and

On motion of Mr. Armstrong,

Ordered to be engrossed.

An act to incorporate the German Texian Friendship Association of Galveston.

Read a second time, and

On motion of Mr. Stuart,

Ordered to be engrossed.

A bill to regulate the salaries of District Attorneys, with amendments from the Senate.

Amendments adopted.

Mr. Allen made a report from the committee on County Boundaries, as follows :

The committee on County and County Boundaries, to which was referred a bill to create the county of Hays ; Also, a bill to create the county of Plum Creek, have instructed me to report the same back to the House, with substitutes, and to recommend their passage.

Report read.

Substitute to come up among the orders of the day.

Mr. Eddy, by leave, introduced a bill to repeal an act to provide for the issuing of patents to the assignees of good and genuine unconditional headright land certificates.

Read a first time.

A bill (originating in the Senate,) to make Robert Franklin Miller the lawful heir of Solomon Miller.

Read a first time.

A bill to be entitled an act to prohibit the recovery of money or any article of value lost or won on bets or wagers, originating in the Senate.

Read a first time.

A bill from the Senate to amend the third section of an act providing for the transfer of records of administration to new counties, approved 13th May, A. D. 1846.

Read a first time.

An act authorizing persons who have received donation certificates under the provisions of an act granting land to those who were in the battles, approved Dec. 20th; 1837, to alienate said certificates and the lands acquired under them, with amendments from the Judiciary committee, which were lost by the following vote :

Yeas—Messrs. Allen, Armstrong, Bogart, Bryan, Caruthers' Cunningham, Davis of L., Davis of R., Dooley, Eddy, Epperson, Fields, Goode, Haynie, Miller of C., Moseley, McNeill, Pease, Perry, Potter, Robertson, Saddler, Tankersley, Winkler and Willie—25.

Nays—Messrs. Speaker, Bourland, Burroughs, Crump, Crutcher, Edwards, Lott, Lyons, Miller of H., McCown, Rains, Rayner, Renfro, Reagan, Rodgers, Runnels, Shannon, Shaw, Sterne, Stout, Stuart, Taylor, Truitt, Walling, Wheeler, White and Wren—27.

Question on the final passage—

Yeas—Messrs. Allen, Armstrong, Bogart, Caruthers, Cunningham, Davis of L., Davis of R., Dooley, Eddy, Epperson, Fields, Goode, Haynie, Miller of C., Miller of H., Moseley, McNeill, Neal, Pease, Perry, Potter, Rayner, Saddler, Shaw, Tankersley, Truitt, Winkler and Wren—28.

Nays—Messrs. Speaker, Bourland, Burroughs, Bryan, Crump, Crutcher, Edwards, Lamar, Lott, Lyons, McCown, Rains, Renfro, Reagan, Robertson, Rodgers, Runnels, Shannon, Sterne, Stout, Stuart, Taylor, Walling, Wheeler, White and Willie—26.

Passed.

A bill from the Senate, to change the name of Robert Franklin to Robert Franklin Miller.

Read a second time, and

On motion of Mr. Edwards,

Passed to a third reading.

Mr. Burroughs, chairman of the committee on Enrolled Bills made the following report:

The committee on Enrolled Bills have examined a joint resolution for the relief of John S. McNeary; Also,

An act to establish Public Schools in the county of Galveston:

Also a joint resolution appropriating four thousand dollars for the compensation of Assessors of Direct Taxes, for taking the enumeration of the inhabitants of the State for the year 1847, find the same correctly enrolled, and having been signed by the Speaker of the House of Representatives and President of the Senate, were this day presented to his Excellency, the Governor, for his approval.

Mr. Robertson moved to adjourn until 3 o'clock, p. m.

Mr. Dooley moved to amend by inserting 10 o'clock, to-morrow morning.

Carried.

House of Representatives,
City of Austin, January 18th, 1848.

The House met pursuant to adjournment.

The roll was called;

And the following members answered to their names :

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Bryan, Caruthers, Crump, Crutcher, Cunningham, Davis of L., Davis of R., Miller of C., Moseley, McCown, McNeill, Perry, Potter, Rains, Robertson, Rodgers, Runnels, Saddler, Shannon, Shaw, Sterne, Stout, Tankersley, Taylor, Truit, Walling, Winkler, White, Willie and Wren.

A quorum present.

The Journal of the preceding day was read and adopted.

Mr. Robretson presented the petition of sundry citizens of the town of Independence and Washington county, relative to the Baylor University.

Read, and

On motion of Mr. Robertson,
Referred to the committee on Education.

Mr. Allen presented the petition of sundry citizens of Lavaca, which,

On motion of Mr. Allen,

Was referred to the committee on County Boundaries, without reading.

Mr. Perry presented a petition from sundry citizens of Lavaca county, which was referred,

On motion of Mr. Perry,

To the committee on County Boundaries, without reading.

On motion of Mr. Taylor,

Mr. Stout was added to the Finance committee.

On motion of Mr. Runnels,

Mr Bogart was added to the Judiciary committee.

A message was received from the Senate, informing the

House that the Senate had passed a bill to be entitled an act, to amend the third section of an act, entitled an act, concerning slaves, approved February 5th, 1840.

Mr. Davis, of R., presented a petition from sundry citizens of Limestone county, praying the removal of the Land Office of Robertson District, from the town of Franklin, to the town of Springfield.

Read, and

On motion of Mr. Davis of R.,

Referred to the committee on the Land Office.

Mr. Cunningham, chairman of the committee on Privileges and Elections, made the following report :

The committee on Privileges and Elections, to which were referred a "Bill to be entitled an act to change the time for holding elections for members to the Congress of the United States and members of the State Legislature of the State of Texas," have had the same under consideration, and a majority of said committee have instructed me to report the accompanying substitute for both of said bills, and recommend their passage.

Read, and laid on the table, to come up among the orders of the day.

Mr. Cunningham, chairman of the committee on Privileges and Elections, reported that--"The committee on Privileges and Elections, to which was referred a bill to be entitled an act regulating elections, have had the same under consideration, and a majority of said committee have instructed me to report the same back to the House, with the amendments herewith submitted, and recommend its passage.

Read, and laid on the table, to come up among the orders of the day.

Mr. Allen introduced a joint resolution requesting our Sena-

tors and Representatives in the Congress of the United States, to have a law passed for the benefit of the volunteer soldiers of Texas.

Read a first time.

Mr. Willie introduced a bill to be entitled an act to amend the fourth section of an act to regulate the license and practice of attorneys and counsellors at law.

Read a first time.

Also, a bill to be entitled an act more clearly to define the marital rights of parties in relation to community property.

Read a first time.

Mr. Runnels introduced a bill requiring the transfer of original causes of action to new counties.

Read a first time.

Mr. Shaw introduced a bill to be entitled an act, to amend the third section of an act, to provide for the organization of the several counties in this State.

Read a first time.

Mr. Truitt introduced a bill for the relief of the heirs of Jeremiah Browning.

Read a first time.

Mr. Reagan introduced the following resolution:

“Resolved, That the committee on Printing be instructed to contract for the printing of one thousand copies of the reported claims of the several counties of this state, containing also a statement of the amount of taxes assessed and collected in each county, for the use of the members of the House of Representatives, at the earliest practicable period, and that twenty-five copies of the same be sent to each of our Senators and Representatives in Congress.

Mr. Stout moved to strike out all requiring a statement of the taxes to be printed.

Carried.

Mr. Robertson moved to strike out that portion of the resolution requiring copies to be sent to the members of Congress.

Carried.

The question on the adoption of the resolution as amended was taken and lost.

Mr. Miller of H., introduced a resolution, that the communication from the Collector of the Port of Galveston, upon the subject of ceding to the General Government the right of jurisdiction over the ground appropriated to the purpose of erecting two Light-Houses upon our coast ; and also, upon the subject of transferring our Custom-Houses, and other places for the collection of impost duties, referred to in the Governor's message, be taken up and read.

Read, and

On motion of Mr. Crutcher,

Referred to the Judiciary committee, together with the documents referred to in the resolution.

Mr. Bourland moved to take from the table the report of the committee appointed to draft rules for the government of the House, and place it among the orders of the day.

Carried.

On motion of Mr. Runnels,

The orders of the day were taken up.

A bill to be entitled an act to incorporate the town of Montgomery.

Read a first time, and

On motion of Mr. McCown,

Ordered to be engrossed.

A bill to be entitled an act to suppress banking.

Read a second time, and

On motion of Mr. Tankersley,

Referred to the Judiciary committee.

Mr. Winkler moved to take from among the orders of the day, a bill locating the seat of justice of Navarro county.

Lost.

A bill in relation to a certain Company, or Association, claiming to have or exercise banking privileges in this State.

Read a second time, and

On motion of Mr. Robertson,

Referred to the committee on the Judiciary.

A bill to be entitled an act to provide for disposing of runaway slaves.

, Read a second time, and

On motion of Mr. Runnels,

Referred to the committee on State Affairs.

A bill to be entitled an act, to amend an act, supplementary to an act, to create and organize the county of Panola.

Read a third time and passed.

A bill to be entitled an act to locate the seat of justice of Navarro county.

Read third time and passed.

A joint resolution requesting our Senators and Representatives in the Congress of the United States, to procure the passage of a law requiring the Judge of the District Court for the District of Texas, to reside permanently in his District.

Read a third time and passed.

A bill to be entitled an act to define the southern boundary line of Collin and Denton counties, and northern line of Dallas and Henderson counties.

Read a second time.

Mr. Bogart moved the engrossment.

Mr. Reagan moved to lay on the table.

Lost.

Question on the engrossment was taken and carried.

A bill to be entitled an act to establish a State Penitentiary.

Read a first time.

Mr. Lott asked leave to present a petition.

The House refused.

A bill supplementary to an act to organize the county of Upshur, with a substitute from the Senate was read; and the substitute adopted.

A joint resolution authorizing the Adjutant General to issue a bounty land warrant to Elijah D. Holland.

Read a second time, and

On motion of Mr. Allen,

Passed to a third reading.

Mr. Willie moved to take up a resolution from the Senate, to go into the election of a Public Printer, to print the laws and journals of the present session of the Legislature, on the 21st instant.

Mr. Willie moved its adoption.

Mr. Miller offered to amend by inserting "And the journals of both Houses of last session, and five hundred copies of the laws of the last session of the Legislature."

Mr. Miller, of H., also moved to add to the amendment—"including the Constitution of the United States and the State of Texas."

Mr. Willie moved to refer the resolution and amendments to the committee on Printing.

Mr. Tankersley moved to amend the motion by inserting—
“And that said committee report by to-morrow morning.

Carried.

Question on the reference was then taken and carried.

Joint resolution requiring the Commissioner of the General Land Office to issue a patent in the name of the heirs of Wm. P. Nunn.

Adopted, and

On motion of Mr. Willie,

Ordered to be engrossed.

A joint resolution authorizing the Commissioner of the General Land Office to issue a patent to Adolphus Sterne, assignee of Maria Josefa Sanchez.

Read a second time, and,

On motion of Mr. Reagan,

Passed to a third reading.

An act for the relief John Keizer, reported by the committee on Public Lands.

Read a first time.

Joint resolution requiring the Governor, Secretary of State, and Attorney General, to reside at the seat of government.

Substitute reported by the committee.

Read and adopted.

Mr. Taylor moved the indefinite postponement of the resolution.

Mr. Keenan offered to amend by inserting—“And that this act take effect and be in force from and after the first of December, 1849.”

Yeas and Nays being called for, stood,

Yeas—Messrs. Bogart, Bourland, Caruthers, Davis of L., Dooley, Fields, Goode, Keenan, Lewis, Lott, Lyons, McCown, Rains, Shannon, Sterne, Tankersley, Taylor, Truitt, Walling, and Wheeler—20.

Nays—Messrs. Speaker, Allen, Armstrong, Burroughs, Crump, Crutcher, Cunningham, Davis of R., Eddy, Edwards, Epperson, Haynie, Lamar, Miller of C., Miller of H., Moseley McNeill, Neal, Pease, Perry, Potter, Renfro, Reagan, Robert-

son, Rodgers, Runnels, Shaw, Stout, Stuart, Winkler, White and Willie—32.

Lost.

Mr. Edwards moved to amend by striking out Governor after Attorney General.

Mr Runnels moved the previous question.

Carried.

Question on the indefinite postponement was then taken, and the yeas and nays being called for, stood—

Yeas—Messrs. Armstrong, Bogart, Caruthers, Davis of L., Dooley, Eddy, Fields, Goode, Keenan, Lewis, Lyons, McCown, Pease, Perry, Rains, Renfro, Reagan, Sterne, Tankersley, Taylor, Truitt, Walling and Wheeler.—23.

Nays—Messrs. Speaker, Allen, Bourland, Burroughs, Bryan, Crump, Crutcher, Cunningham, Davis of R., Edwards, Epperson, Gilliam, Haynie, Lamar, Lott, Miller of C., Miller of H., Moseley, McNeill, Neal, Potter, Reagan, Robertson, Runnels, Shannon, Shaw, Stout, Stuart, Winkler, White and Willie—31.

Lost.

Mr. Willie moved the engrossment.

Mr. Neal moved to amend by inserting the following: "That none of the officers mentioned in the resolution shall remain absent from the seat of government longer than five weeks at any one time."

Mr. Stout moved to lay the bill and amendment on the table.

Mr Eddy moved to amend by inserting after table, "till the fourth day of July next."

Lost.

Question on Mr. Stout's motion was then taken and lost.

Mr. Miller, of H., moved the previous question.

Mr. Davis, of L., moved to adjourn until 10 o'clock, to-morrow morning.

Lost.

Mr. Bogart moved the House adjourn until 9 o'clock, to-morrow morning.

Lost.

Shall the main question be now taken?

Lost.

Mr. Bourland moved to amend the amendments proposed by Mr. Edwards, as follows: strike out "Attorney General."

Mr. Davis, of R., offered the following as an amendment:—strike out "Governor and Attorney General."

Mr. Rodgers moved that the House adjourn until to-morrow morning, 10 o'clock.

Carried.

And the House adjourned, pending the question on the amendment offered by Mr. Edwards.

House of Representatives,
City of Austin, January 19th, 1848.

The House met pursuant to adjournment.

The Roll was called,

And the following members answered to their names:

Messrs. Sepeaker, Allen, Armstrong, Bogart, Bourland, Caruthers, Crump, Crutcher, Davis, of L., Davis, of R., Dooley, Eddy, Fields, Gilliam, Goode, Haynie, Keenan, Lamar, Lewis, Lott, Lyons, Miller, of C., Miller, of H., Moseley, McCown, McNeill, Neal, Pease, Potter, Rains, Rayner, Renfro, Reagan, Robertson, Rodgers, Railey, Runnels, Saddler, Shaw, Sterne, Stout, Stuart, Trankersley, Taylor, Truitt, Webb, Walling, Winkler, Wheeler, White, Willie and Wren.

A quorum being present,

The Journal of the preceding day was read and adopted.

A message was received from his Excellency the Governor, containing sundry written documents.

Mr. Lott presented the petition of Ann Terrell.

Petition read.

Mr. Stout moved that the petition be referred to a select committee of five members.

Mr. Pease moved that the petition be referred to the committee on Claims and Accounts.

Motion carried.

Mr. Haynie asked leave to withdraw the papers pertaining to the case of Leander Brown.

Leave granted.

Mr. Allen presented the petition of the citizens of Guadalupe county.

Petition read, and

On motion of Mr. Allen, referred to the committee on county boundaries.

A message was received from the Senate, informing the House that the Senate had passed, without amendment,

"A Joint Resolution providing for the settlement of the claims of E. W. Moore, Post Captain, &c., and

"A Joint Resolution for the relief of persons who furnished supplies for the late Navy of Texas."

Mr. Bogart presented the petition of the citizens of Grayson county, in relation to James Miller.

Petition read.

Mr. Bogart moved its reference to the committee on Finance.

Mr. Stuart, of Galveston, moved that the petition be laid on the table.

Motion carried.

Mr. Webb presented the petition of Wm. F. Hodge.

Petition read.

Mr. Webb moved its reference to the committee on Public Lands, without reading.

Motion carried, and the reference made.

Mr. Webb, chairman of the committee on Federal Relations, made the following report:

The committee on Federal Relations to whom was referred, a "Joint Resolution in behalf of Edward A. Weyman," together with his petition, have had the same under consideration, and beg leave to report: The seal appended to the transcript of the judgment from Nueces county, not being legal, your committee called in other evidence, as well to establish the genuineness of the transcript, as to learn the *facts* upon which the jury rendered their verdict. The District Court of Nueces county, has been but very lately organized; and, it is to this fact, that the defect in the seal is attributable. In order that the House may properly understand the grounds upon which your committee acted, in coming to a conclusion in the matter referred to them, they think it necessary to state succinctly, the evidence which was given before the committee: it appears in evidence, that some time in April or May of the past year, Edward A. Weyman, opened a store at Brazos Santiago, containing a quantity of goods and groceries. A short time after he opened his store, Giles Porter, U. S. commandant at the Brazos, acting in his *official* capacity, ordered him, (Weyman,) to shut up his store. This he refused to do, telling Porter that he was selling under *license obtained from the proper authorities* at Corpus Christi. Porter replied, that the country was a portion of Texas and shortly afterwards sent a guard of soldiers, and had a part of his goods removed, turned Weyman out of his house, and put a guard around the same. He even refused Weyman his books and papers. Weyman remonstrated with Porter, and offered to leave the place if he would restore his goods, &c. This, was also refused. Subsequently, Weyman brought suit in the District Court of Nueces county, against Porter, and recovered a judgment for the value of his goods and damages sustained, to the amount of *fifteen thousand dollars*. Porter failed to make any defence, and the judgment was made *final*, by default, a jury having been called to assess the value of the goods, and, also, the damages.

From these *facts* your committee have concluded to report the Joint Resolution referred to them, back to the House, and have instructed me, to recommend its passage.

The military authorities of the United States have no right to interfere with the civil authorities of any State. This difficulty brings into direct controversy the right of Texas to the country between the Nueces and Rio Grande; and your committee, in common with all Texas, entertaining but one opinion upon this

subject, are of the belief that it is high time for Texas to assert her right to that country, by protecting her citizens in the privileges guaranteed to them by our laws; at least, as far as remonstrance, and a *demand for indemnity* can protect them.

Porter having acted in an official capacity, in interfering with the rights of Weyman, the U. S. Government is *liable* for all injuries done to Weyman.

Report received, and the Joint Resolution laid on the table, to come up among the orders of the day.

Mr. White, chairman of the committee on military affairs, made the following report :

• The committee on military affairs to whom was referred a bill to be entitled "An Act to organize the militia of the county of Newton, have had the same under consideration, and direct me to report the bill back to the House with the following amendment :

After the word "Regiment," insert, "or Battalion."

With this amendment, the committee recommend the passage of the bill.

Report received, and the bill laid on the table, to come up with the orders of the day.

Mr. Fields, chairman of the committee on Printing, made the following report :

The committee on Printing, to whom was referred the Resolutions of the Senate, proposing to go into the election of Public Printer on the 21st inst., and requesting the committees on contingent expenses of the two Houses to obtain proposals for printing the laws and journals of the present session of the Legislature, together with certain amendments proposed by this House, to

the aforesaid Resolutions, have had the same under consideration, and the committee have instructed me to report this morning, and to respectfully ask the House to postpone the election of a Public Printer for a few days, to give the committee time to arrange and report some definite plan for the printing; and, also, to ask that the committee be instructed to act in conjunction with the committee on Printing of the Senate, so that such an arrangement may be made as to the mode of receiving bids, the size of pages, the kind of type, &c., as will enable the Printers to bid understandingly, and, may suit and be adopted by both Houses.

The committee know the importance of early action on this subject; and, therefore, promise the House to give it their earliest attention, and report without delay.

The committee request that the Senate's Resolutions may be laid upon the table, for the present; and, that the Clerk of the House be instructed to inform the Senate of the action of the House and its committee, on the subject.

Report adopted.

Mr. Gilliam moved that Messrs. Perry and Shaw, be added to the committee on the Land Office.

Motion carried.

Mr. Sterne introduced a "Joint Resolution for the relief of Wm. Plucker."

Joint Resolution read a first time.

Mr. Winkler introduced a bill to be entitled "An Act to provide for the removal and location of the Land Office of the Robertson Land District."

Bill read a first time.

Mr. Webb offered the following Resolution:

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of appropriating all fines and forfeitures, recovered in the District Courts, to the payment of the fees owing by the State to Clerks of the District Court and Sheriffs; also, to enquire into the expediency of amending "An Act regulating the fees of officers," so as to provide some means to secure all fees to Clerks and Sheriffs in cases where

the State is a party, and which have been, or may be, decided against the State: *Provided*, That said fines and forfeitures are not sufficient to pay the same.

Resolution adopted.

Mr. Lott moved to add Mr. Sterne and Mr. Walling, to the committee on the Land Office.

Mr. Tankersley moved that Mr. Bourland, also be added to the said committee.

Mr. Rodges moved that Mr. Tankersley be, also, added to the said committee.

Mr. Gilliam moved a reconsideration of the vote, adding, Messrs. Perry and Shaw to the committee on the Land Office.

Mr. Willie moved that the motions pending, to increase number the committee on the Land Office, be laid upon the table.

Motion carried.

Question: Shall the vote of this House, which added Messrs. Perry and Shaw to the committee on the Land Office, be reconsidered?

The House decided in the affirmative.

Mr. Allen introduced a bill to be entitled "An Act assenting to the purchase by the United States, and ceding to the same, jurisdiction of certain lands in this State for public purposes."

Bill read first time.

Mr. Willie introduced a bill to be entitled "An Act to define the crime of rape."

Bill read a first time.

Mr. Willie, also offered the following resolution:

Resolved, That the committee on the Judiciary be instructed to enquire into the propriety of so amending the "Acts regulating the descent and distribution of intestates' estates," as to give to the surviving husband or wife, a child's portion of the property of intestates; and a share of the property where the

deceased may leave no children or other descendants: and also, the propriety of providing, by law, that married women may bind their separate property for necessities furnished themselves or their children.

Resolution adopted.

Mr. Stout offered the following resolution:

Resolved, That the committee on the Judiciary take into consideration the propriety and necessity of a law compelling the Governor of this State to declare by proclamation the forfeiture of the Colony Contract, entered into by Charles Fenton Mercer, with the late Republic of Texas; and that they report by bill or otherwise, at as early a day as practicable.

Resolution adopted.

Mr. Cunningham introduced a bill to be entitled "An act to amend the 1st section of an act supplementary to an act regulating the sale of runaway slaves," approved January the 5th, 1841.

Bill read a first time.

Mr. Allen offered the following resolution:

Be it resolved, That the committee on contingent expenses be instructed to enquire into the probable expense incurred by the State, for transporting the remains of Major Samuel H. Walker from the city of Houston to the Alamo, and report thereon as soon as practicable.

Resolution adopted.

Mr. Bryan, Chairman of the committee on engrossed bills, made the following report:

The committee on engrossed bills, have examined a bill to be entitled "an act to create the county of Starr," and have di-

rected me to report the same back to the House and recommend the following as an amendment:

Strike out of the 1st section of the bill, the word "Taylor" and insert the word "Cameron."

Report accepted, and the amendment adopted.

Mr. McNeill moved that the message of His Excellency the Governor, be taken up.

Motion carried.

Mr. Robertson moved that the message be referred to a select committee consisting of five members.

Motion carried.

The chair appointed Messrs. Robertson, Runnels, Potter Tankersley and Bryan to constitute said committee.

Mr. Lamar moved a reconsideration of the vote on the resolution, offered by Mr. Allen, instructing the committee on contingent expenses relative to the transportation of the remains of Major Samuel H. Walker and Capt. R. A. Gillespie.

Motion carried.

Mr. Stuart moved to amend as follows: Insert after "State." the words, "if any."

Amendment rejected.

Mr. Lamar moved to strike out the words "incurred by the State."

Amendments adopted.

Question—Shall the resolution as amended, be adopted? The House decided in the affirmative.

Mr. Epperson moved that Mr. Miller of H., be added to the committee on Apportionment.

Motion carried.

On motion of Mr. Renfro,
Mr. Runnels was added to the committee on apportionment.
Mr. McNeill moved that Mr. Tankersley be added to the committee on apportionment.

Motion lost.

On motion, the House proceeded to the orders of the day.

The resolution requiring the Governor, Secretary of State and Attorney General to reside at the seat of Government, being the first in order, was taken up.

Mr. Pease moved that the resolution be laid upon the table and made the special order of the day, for Thursday next.

Motion carried.

A bill to be entitled "an act for the relief of the heirs of Isaac Van Zandt, deceased, was taken up.

Read a second time.

Mr. Goode moved that the bill be engrossed.

Mr. Taylor moved that the rule of the House, which requires bills to be read on three several days, be suspended.

Motion carried.

The bill was then read third time and passed.

A "Joint resolution instructing our Senators and requesting our Representatives in the Congress of the United States to procure additional mail service," was taken up.

Mr. Eddy moved that the Joint Resolution be indefinitely postponed.

Motion lost.

Question—Shall the joint resolution now under consideration of the House be passed?

The House decided in the affirmative, and the joint resolution was finally passed.

A bill to be entitled "an act authorizing the county court of Red River county, to have the records in books A. B. and C., of deeds, mortgages and other instruments of writing, now in the office of the Clerk of said county, transcribed," together with the amendments proposed by the Senate, were taken up.

Amendments read and concurred in.

A joint resolution instructing our Senators and requesting our Representatives in the Congress of the United States to procure the establishment of two Districts for the United States District Court in the State of Texas," together with the substitute offered by the House, in which the Senate refused to concur, were taken up.

Mr. Gilliam moved that the House withdraw the substitute.

Motion lost.

Mr. Miller of Houston moved that a committee of conference be appointed.

Motion carried.

The chair then appointed Messrs. Miller of Houston, Willie Tankersley and Crutcher to constitute said committee on the part of the House.

A bill to be entitled "an act to enforce a due observance of the Sabbath," together with a substitute offered by the committee on State Affairs, were taken up and the substitute read.

Mr. Willie moved that the bill and substitute be laid upon the table.

The yeas and nays were called on the adoption of the motion, and stood as follows.

Yeas—Messrs. Speaker, Bourland, Burroughs, Caruthers, Cunningham, Davis of L., Edwards, Goode, Haynie, Keenan, Lewis, Miller of C., McCown, Pease, Perry, Rayner, Robertson, Runnels, Saddler, Shaw, Sterne, Stuart, Wheeler White and Willie—25.

Nays—Messrs. Allen, Bogart, Bryan, Crutcher, Davis of R., Dooley, Eddy, Epperson, Fields, Gilliam, Lyons, Miller of H., Moseley, McNeill, Potter, Rains, Renfro, Reagan, Rogers, Shannon, Stout, Tankersley, Taylor, Truit, Webb, Walling, Winkler and Wren—28.

Motion rejected.

Mr. Tankersley in the chair.

Question—Shall the substitute, now under consideration of the House, be adopted?

The House decided in the negative.

Mr. Keenan moved that the bill be laid upon the table.

Mr. Willie moved to amend the motion by inserting "until the 2nd day of July next."

Amendment accepted, by Mr. Keenan.

Mr. Renfro by leave, introduced the following as an amendment.

"That the provisions of this act shall extend to the town of Gonzales, *exclusively*, and that *chuck-a-luck*, when played upon the boxes, before store-doors, shall be a *penal offence*."

The chair decided the amendment proposed by Mr. Renfro, out of order.

Question—Shall the bill now under consideration of the House, be laid upon the table, until the second day of July next?

The yeas and nays were called on the question and stood as follows:

Yeas—Messrs. Speaker, Armstrong, Burroughs, Bryan, Caruthers, Cunningham, Davis of L., Edwards, Eddy, Keenan, Lott, Miller of C., McCown, Neal, Pease, Potter, Rayner, Renfro, Robertson, Runnels, Rogers, Saddler, Shaw, Sterne, Stuart, Wheeler, White and Willie—28.

Nays—Messrs. Allen, Bogart, Bourland, Crump, Crutcher, Davis of R., Epperson, Fields, Gilliam, Goode, Haynie, Lamar, Lyons, Miller of H., Moseley, McNeill, Perry, Rains, Reagan, Shannon, Stout, Tankersley, Taylor, Webb, Walling and Winkler—26.

The House decided in the affirmative.

A bill to be entitled "an act to legitimate certain children of Benjamin Bryant," was taken up.

Read a second time and passed to a third reading.

A bill to be entitled "an act to authorize the city of Galveston to appoint Firemen, &c.," was taken up.

Read a third time and passed.

Mr. Davis of Liberty moved that the House adjourn until 10 o'clock to-morrow morning.

Motion lost.

A bill to be entitled "an act requiring all officers to continue to perform the duties of their offices, until their successors are duly elected and qualified."

Was taken up and read a third time.

Mr. Stout moved that a call of the House be made.

Motion lost.

Mr. Runnels moved that the House adjourn until to-morrow morning, 9 o'clock.

Motion lost.

On motion of Mr. Goode,

The House adjourned until 10 o'clock, to-morrow morning.

House of Representatives,
Austin, Jan. 20, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Bry-

an, Caruthers, Crump, Crutcher, Cunningham, Davis, of L., Davis, of R., Dooley, Eddy, Edwards, Epperson, Fields, Gil-
 liam, Goode, Hardeman, Haynie, Keenan, Lamar, Lewis,
 Lott, Lyons, Miller, of H., Moseley, Neal, Pease, Perry, Pot-
 ter, Rains, Rayner, Reagan, Robertson, Rodgers, Railey, Sad-
 dler, Shaw, Sterne, Stuart, Tankersley, Taylor, Truitt, Webb,
 Walling, Winkler, Wheeler, Willie and Wren.

A quorum being present,

The Journal of the preceding day was read and adopted.

Mr. Allen presented the proceedings of a meeting of the cit-
 izens of the town of Gonzales, in relation to the establishment
 of a line of military posts to the Paso del Norte.

Read, and

On motion of Mr. Cunningham, referred to the committee
 on Military Affairs.

Mr. Pease, chairman of the committee on the Judiciary made
 the following report.

The committee on the Judiciary to whom was referred a bill
 to be entitled "an act to suppress banking," have considered
 the same, and they recommend that the bill should be amend-
 ed.

1st. By striking out the preamble.

2d. By striking out the 4th section, which provides that the
 act shall take effect, and be in force from and after its pas-
 sage.

This section, the committee believe to be particularly ob-
 jectionable, inasmuch as the act establishes a penalty for cer-
 tain offences, different from the existing laws. The committee
 believe that it should not take effect until it can be published,
 and generally known to the community.

.. With the above amendments, a majority of the committee
 have directed me to report the bill back to the House, and to
 recommend its favorable consideration.

Report received, and the bill laid upon the table, to come
 up with the orders of the day.

Mr. Stuart, chairman of the committee on Finance, made the following report:

Committee Room,
Jan. 19th, 1848.

Hon. J. W. Henderson,
Speaker of the House of Representatives:

The committee on Finance, in the discharge of their appropriate duty have carefully examined the subjects pertaining to the revenue of the State, and respectfully offer the following report, with the accompanying bills, as the result of their deliberations:

Although, as appears from the report of the Comptroller of Public Accounts, the revenue of the present State Government have not been equal to its expenses, the fund which remained in the Treasury, and was transferred to the State, on the dissolution of the Government of the late Republic of Texas, as the gradual annual increase in the amount of the Revenue of the State, afford assurance that the Government may continue to be administered, upon the present economical plan, without increasing the rate of taxation. Yet the committee would regard as premature and unsafe any material reduction, prior to the next meeting of the Legislature, in the amount of taxes assessed.

Nor do the committee deem it prudent to recommend any essential alteration in the mode of assessing and collecting the taxes. The present revenue laws appear to have operated as well, in the main, as could have been expected by their framers, considering that they were, to a considerable degree, experimental. The committee regard two or three defects only, as of sufficient importance to require amendment. The Comptroller has with great clearness, pointed out the bad effect of permitting persons residing in one county, to give in for assessment, and pay taxes, in the county of their residence, on property lying in other counties of the State. The committee, as the best remedy which they have been able to devise for the evil complained of, (without great inconvenience to persons owning property in other counties than those in which they reside,) have concluded to recommend to the Legislature the amendment of the law, so that all property shall be

assessed for taxation in the county in which it is situated, and that the owner shall be required to pay the taxes upon the same, either there, or to the Comptroller of Public Accounts at the seat of Government. As the law requires copies of the assessment rolls of every county to be filed with this officer, and as every county in the State, through some of its officers or citizens, will annually require some communication with the seat of government, this mode appears to be better calculated than any other which has suggested itself to the committee, for the most certain collection of the taxes, with the least inconvenience and oppression to the citizen.

Under the existing law, property assessed to "owners unknown," or which has been rendered for assessment in the names of persons other than the genuine owners, cannot be sold for taxes, as only the interest of the party assessed, and not the property itself, is liable to be sold for taxes. The committee regard this as a material defect in the law—calculated to encourage holders of property to withhold the same from assessment, and to defeat the object of the constitution, which requires that taxation shall be equal and uniform throughout the State, and that all property shall pay taxes in proportion to its value. It is the object of the bill herewith submitted to remedy this evil, by making the property itself, which is the basis of revenue, liable for the taxes imposed upon it.

The committee also recommend a modification in the law imposing the license tax. The existing law is believed to operate unequally. The small trader, with a capital of a few hundred dollars, pays an equal license tax with the merchant doing business upon a stock of fifty or one hundred thousand. Strict justice would require that every trader should pay in proportion to his ability; but the committee have regarded the adjustment of a scale which would bear with exact equality upon all as impracticable, and an extended classification as too complicated and inconvenient to warrant the attempt to establish it by law. With the desire to make the law as simple as possible, and at the same time to approach as nearly as practicable to a just equality in its operation, the committee recommend but a single division of the class of traders, proportioned to the capital employed in their business. The amount of the license tax at present imposed, though easily borne by the heavy capitalist, is still sufficient to bear heavily upon others, and to deter many meritorious

persons, with but limited means, from entering into pursuits which might afford the means of support for themselves and families, while it would be of service to the public. It is calculated to concentrate the business of the country in the towns and more populous districts, and in the hands of comparatively few of the more wealthy class of citizens, or to lead to shifts and frauds to unscrupulous persons for the evasion of the tax, while it excludes the honest and frugal citizen, with a capital of but a few hundred dollars, from participating in the benefits of the trade of the country, and deprives many of the poorer or more thinly settled districts of the benefits of convenient trading establishments, suitable to their wants. By the classification contemplated by the committee, it is hoped that these evils may be materially diminished, without, as is believed, any reduction in the amount of revenue, as it is expected that the increase in the number of traders which may be reasonably anticipated from the diminution of the burden imposed, and the greater ease and certainty which will attend the collection of the tax from those in business, will more than compensate for the limited reduction recommended by this report, and embraced in a bill therewith transmitted.

H. STUART, Chairman.

Mr. Fields moved that one hundred copies of the bill to be entitled "an act to provide for the assessment and collection of taxes," be printed.

Also, that one hundred copies of a bill, to be entitled "an act to raise a revenue by direct taxation," be printed. .

Motion carried.

A message was received from the Senate, informing the House of the passage, by that body of the following bills, &c:

A bill to be entitled "an act to amend the 11th section of an act to incorporate the Brazos Canal Company."

A bill to be entitled "an act relative to special Judges of the Supreme Court."

A bill, (which originated in the House of Representatives)

to be entitled, "an act to incorporate the Union Marine and Fire Insurance Company," with amendments.

A bill, (which originated in the House of Representatives,) to be entitled "an act prescribing the proof necessary for the heirs or legal representatives of those who fell under the command of Fannin, Travis, Grant and Johnson, to obtain their head-right certificates," with amendments; and a

"Joint Resolution, authorizing and requiring the Governor to subscribe for three hundred copies of the reported decisions of the Supreme Court."

Mr. Allen, chairman of the committee on State affairs made the following report:

The committee on State affairs, to whom was referred a bill to be entitled "an act to compel the owners and renters of cotton gins, to keep them enclosed, to prevent stock from having access to the cotton seed by the eating of which they may die," have had the same under consideration, and have directed me to report the bill back to the House, with the recommendation that it be indefinitely postponed.

Report received; and

On motion of Mr. Pease,

The bill was laid upon the table, to come up among the orders of the day.

Mr. Allen, chairman of the committee on State affairs, also, made the following report:

The committee on State affairs, to whom was referred a bill to be entitled "an act concerning slaves," have after consideration of the same, come to the conclusion, that a slave cannot be the absolute owner of any species of property. That the possession of a horse, or horses, or other animal, is a privilege granted to him by his master, and a matter of his own concern and regulation, which calls for no Legislative action, as the master is recognized as the legal owner of the property,

although allowed to be, and, perhaps, remains for a considerable length of time, in the hands of the slave.

The committee have, therefore, instructed me to report the same back to the House, and to recommend that it be laid on the table.

Report read and adopted.

Mr. Bryan, chairman of the committee on engrossed bills, made the following report:

The committee on engrossed bills, have examined a bill to be entitled "an act to create the county of Cameron."

A bill to be entitled "an act to create the county of Webb."

A bill to be entitled "an act to create the county of Starr."

A bill to be entitled "an act to define the boundaries of Goliad county."

A bill to be entitled "an act to repeal the laws of the late Republic of Texas, creating a board of medical censors."

A bill to be entitled "an act to incorporate the German Texan Friendship Association at Galveston;" and

A bill to be entitled "an act to define the boundaries of Nueces county;" and find the same correctly engrossed.

Report accepted.

Mr. Caruthers, chairman of the committee on county boundaries, made the following report:

The committee on county boundaries, to whom was referred the petition for, and a bill to be entitled "an act to establish the county of Kaufman," beg leave to report the same back to the House, and ask that the name of said county be changed from "Kaufman" to "Van Zandt." With this amendment, they recommend the passage of the bill.

They have, also, examined a bill, to be entitled "an act to establish the county of Medina;" and

A bill to be entitled "an act to establish the county of Pierdenales," and would not recommend their passage.

Report read.

Mr. Lott moved that so much of the report as relates to the county of Van Zandt be laid upon the table until Friday week.

Motion lost.

The report and bills were then laid upon the table, to come up among the orders of the day.

The following communication, from the Commissioner of the General Land Office, was read:

General Land Office,
Austin, 20th January, 1848.

*To the Hon. Speaker of
the House of Representatives:*

SIR:—The undersigned has the honor to acknowledge the reception of two several resolutions, adopted by the House, on the 16th inst., calling upon the Commissioner of the General Land Office to communicate information on various subjects connected with the public lands, and the business of the Land Office.

The Commissioner of the General Land Office is desirous of communicating the information sought; at the earliest practicable day, in conformity with the terms of the resolutions, and the 12th section of an "act to establish a General Land Office for the State of Texas," approved, May 12th, 1846.

He will, therefore, instantly suspend all other business of his office, and engage himself and clerks, from this time forward, in preparing the information sought for by said resolutions, until he can, as he hopes, satisfactorily answer the same.

The Commissioner feels it to be his duty, to say in conclu-

sion, that the time required to comply with the requisitions of the resolutions referred to, will be greater than he apprehends is expected by the honorable the House of Representatives.

I have the honor to be, Sir,

your obedient servant,

THOS. WM. WARD.

By leave, Mr. Willie introduced the following resolution:

Resolved by the House of Representatives, That two several resolutions, adopted by this House, on the 17th inst., calling for information from the General Land Office, be recinded.

Resolution read.

Mr. Hiller of Houston, moved to: amend the resolution, by striking out the word "recinded," and inserting the word "suspended, until the committee appointed to investigate the Land Office, shall have reported."

Mr. Bourland moved to strike out the words, "two several," and insert the "a certain."

Motion lost.

Mr. Robertson moved that the sense of the House be taken on the previous question.

Motion carried.

Question—Shall the resolution introduced by the gentleman from Washington (Mr. Willie) be adopted.

The yeas and nays were called on the adoption of the resolution and stood as follows:

Yeas—Messrs. Armstrong, Bogart, Bourland, Burroughs, Bryan, Crump, Crutcher, Cunningham, Davis of L., Davis

of R., Eddy, Edwards, Fields, Gilliam, Haynie, Lewis, Lott Lyons, Miller of C., Miller of H., McNeill, Pease, Perry, Potter, Rains, Rayner, Renfro, Robertson, Rodgers, Saddler, Shannon, Shaw, Sterne, Stuart, Tankersley, Taylor, Truitt, Walling, Wheeler, Willie and Wren—41.

Nays—Messrs. Speaker, Allen, Caruthers, Epperson, Goode, Hardeman, Lamar, Moseley, McCown, Neal, Reagan, Runnels, Stout, Webb, Winkler and White—16.

Resolution adopted.

By leave, Mr. Crutcher introduced a bill to be entitled "an act to declare the intention and meaning of the third section of an act defining the mode of conveying property in which the wife has an interest, approved, April the 30th, 1846."

Bill read a first time.

Mr. Crutcher also introduced a Joint Resolution making an appropriation for the payment of the pro rata pay due E. W. Moore, Post Captain, Commanding late Texas Navy, under the provisions of an act of the Congress of the late Republic of Texas, approved, February 5th, 1844.

Joint resolution read a first time.

Mr. Crump, by leave, introduced a bill to be entitled "an act for the relief of J. Harris Catlin."

Bill read a first time.

Mr. Moseley, by leave, introduced three several bills.

A bill to be entitled "an act to ascertain who may be the fathers of bastard children."

Bill read a first time.

Mr. Fields moved that the bill be rejected.

Motion lost.

Mr. Webb moved to dispense with the reading of the other two bills relating to the same subject.

Motion carried.

A bill to be entitled "an act requiring the Governor and Secretary of State to reside permanently at the seat of government," being the special order of the day, was taken up and read.

Mr. Lott moved to strike out and insert, "this law take effect from and after the first day of January, 1849."

Mr. Lyons moved to strike from the amendment, the words "strike out."

Motion carried.

Question—Shall the amendment, (to the bill now under consideration of the House,) as amended, be adopted?

The House decided in the negative.

Mr. Miller of Houston moved the engrossment of the bill.

Mr. Edwards offered an amendment to the bill.

Mr. Moseley moved that the sense of the House be taken on the previous question.

Motion lost.

Mr. Tankersley moved that the bill be re-committed to the committee on State Affairs.

Motion lost.

Mr. Armstrong moved the indefinite postponement of the bill.

Mr. McCown moved that a call of the House be made.

Motion carried.

Mr. Reagan moved that the call of the House be suspended.

Motion carried.

Question—Shall the amendment proposed by the gentleman from San Augustine (Mr. Edwards,) be adopted.

The yeas and nays were called on the adoption of the amendment and stood as follows:

Yeas—Messrs. Armstrong, Bogart, Caruthers, Davis of L., Dooley, Eddy, Edwards, Fields, Goode, Lewis, Lott, McCown, McNeill, Pease, Perry, Rains, Rayner, Renfro, Rogers, Saddler, Shaw, Stuart, Tankersley, Taylor, Truit, Walling and Wheeler—27.

Nays—Messrs. Speaker, Allen, Bourland, Burroughs, Bryan, Crump, Crutcher, Cunningham, Davis of R., Epperson, Gillingham, Hardeman, Haynie, Lamar, Lyons, Miller of Colorado, Miller of Houston, Moseley, Neal, Potter, Reagan, Robertson, Runnels, Shaw, Sterne, Stout, Webb, Winkler, White, Willie and Wren—31.

Amendment rejected.

Mr. Eddy moved to amend the bill by inserting "members of the Legislature and Judges of the Supreme Court."

Amendment rejected.

On motion of Mr. McCown,

The bill was re-committed to the committee on State Affairs.

A bill to be entitled "an act to validate and confirm the acts of Thomas William Ward," being the special order of the day was taken up.

Mr. Burroughs moved that the bill be laid upon the table until the 1st day of February.

Motion carried.

Mr. Haynie moved to reconsider the vote which passed to a third reading, a bill to be entitled "an act legitimating certain children of Benjamin Bryant,

Mr. Runnels moved that the motion be laid upon the table. Motion carried.

On motion of Mr. Stout,

The orders of the day were taken up.

The report of the select committee appointed to draft rules for the government of the House of Representatives was taken up.

Mr. Reagan moved that the rules be adopted without reading.

Mr. Willie moved to strike out the 50th rule.

Motion carried.

The rules were then adopted.

Mr. Pease moved that 250 copies of the rules be printed.

Motion carried.

A message was received from the Senate informing the House that the Senate had refused to adopt the substitute offered by

the House for a "Joint Resolution (which originated in the Senate,) instructing our Senators and requesting our Representatives in the Congress of the United States to procure the passage of an act establishing two Districts for the United States District Court, in the State of Texas."

A bill to be entitled "an act creating certain penalties," together with the substitute offered by the select committee to whom the bill was referred, were taken up.

Substitute read and adopted.

Mr. Armstrong moved the engrossment of the bill.

Mr. Stout moved to insert "hogs" after the word "cattle."

Mr. Renfro moved to amend the amendment as follows:

After the word "hogs" insert "ducks."

Amendment rejected.

Mr. Crump moved to amend by inserting after "hogs," the words "or sheep."

Amendment adopted.

Mr. Goode moved to amend by striking out the word "or" after the word "cattle."

Amendment adopted.

Question—Shall the amendment as amended be adopted.

The House decided in the affirmative.

The sense of the House was then taken on Mr. Armstrong's motion to engross the bill.

Motion carried, and the bill ordered to be engrossed.

A "joint resolution requesting our Senators and Representatives in the Congress of the United States to procure the passage of a law appropriating a sufficient amount of money to be expended in clearing out the Sabine," was taken up and read a second time.

Mr. Winkler moved to amend the Joint Resolution by inserting "and Trinity," after the word "Sabine."

Mr. Cunningham moved to amend the amendment by inserting after "Trinity, Brazos, Colorado, Lavacca, Guadalupe, Nueces and Rio Grande."

Amendment rejected.

Mr. Willie moved that the bill and amendments be laid on the table.

Motion carried.

A bill to be entitled "an act to establish the county seat of Denton county," was taken up, and

Read a second time.

Mr. Bogart moved that the blank be filled with "Alton."

Motion carried.

On motion,
The bill was ordered to be engrossed.

Mr. Burroughs, Chairman of the committee on Enrolled Bills, made the following report.

The committee on Enrolled Bills have examined "an act to regulate the salaries of District Attorneys."

A "Joint Resolution to provide for the settlement of the accounts of E. W. Moore, Post Captain, commanding the late Navy of Texas," and

A Joint resolution for the relief of those who furnished supplies for the late Navy of Texas," and find the same correctly enrolled, and having been signed by the Speaker of the House of Representatives and the President of the Senate, were this day presented to his Excellency the Governor for his approval.

Report accepted.

A bill to be entitled "an act to authorize Sarah Ann Kelton wife of Oliver P. Kelton, a lunatic to make valid conveyances of real estate and negroes," was taken up, and read a second time.

On motion of Mr. Armstrong the bill was referred to the committee on the Judiciary.

A bill to be entitled "an act to incorporate the town of Bonham," was taken up and read a first time.

Mr. Runnels moved that the bill be rejected.

Motion lost.

A "Joint Resolution authorizing the Comptroller of Public Accounts to provide a residence in the city of Austin for the use of the Executive of the State," was taken up and read a second time.

Mr. Tankersley moved the Resolution be laid upon the table.

Motion lost.

On motion, the

Joint Resolution was ordered to be engrossed.

A bill to be entitled "An Act providing for the sale of property belonging to the State of Texas, and formerly used by the late Government for custom purposes," was taken up and read.

Mr. Miller, of Houston, moved that the bill be referred to the committee on the Judiciary.

Motion lost.

On motion, the bill was ordered to be engrossed.

Mr. Lamar moved that the regular order of the day be suspended, and that the bills to create the counties of Starr, Webb and Cameron, together with the bill defining the boundaries of Nueces county, be taken up.

Motion carried.

A bill to be entitled "An Act to create the county of Cameron," was taken up.

On motion of Mr. Lamar, the bill was read a third time, by its caption and passed.

A bill to be entitled "An Act to create the county of Webb," was taken up.

On motion of Mr. Allen, the bill was read a third time, by its caption, and passed.

A bill to be entitled "An Act better defining the boundaries of Nueces county," was taken up.

On motion of Mr. Winkler, the bill was read a third time and passed.

A bill to be entitled "An Act to create the county of Starr," was taken up.

On motion of Mr. Winkler, the bill was read a third time by its caption, and passed.

A bill to be entitled "An Act to amend the 3d section of An Act, entitled An Act to provide for the disposition of the funds received from the United States; approved, Jan. 3, 1843; was taken up, and

Read second time by its caption.

On motion of Mr. Stuart, the bill was referred to the committee on the Judiciary.

Mr. Moseley moved that the House adjourn, until to-morrow morning, 10 o'clock.

A bill to be entitled "An Act to regulate mills and millers," was taken up, and

Read a second time.

Mr. Winkler moved that the bill be laid on the table.

Mr. Rodgers moved to amend as follows :

Strike out "one-eighth," and insert, "one-fourth."

Mr. Edwards moved that the bill be referred to the committee on State Affairs.

Mr. Cunningham moved that the House adjourn, until 9 o'clock to-morrow morning.

Mr. Moseley moved that the House adjourn, until 10 o'clock, to-morrow morning.

On motion of Mr. Fields, the House adjourned, until half-past 9 o'clock, to-morrow morning.

Mr. Rogers' motion to amend pending.

House of Representatives,
City of Austin, January 21st, 1848.

The House met pursuant to adjournment.

The Roll was called,

And the following members answered to their names :

Messrs. Speaker, Allen, Armstrong, Bourland, Burroughs, Bryan, Caruthers, Crump, Crutcher, Cunningham, Davis of L., Eddy, Edwards, Epperson, Fields, Goode, Hardeman, Haynie, Lyons, Lamar, Miller of H., McCown, McNeill, Perry, Potter, Rains, Rayner, Renfro, Robertson, Railey, Runnels, Saddler, Shannon, Shaw, Sterne, Stout, Stuart, Tankersley, Taylor, Truitt, Webb, Walling, Winkler, Wheeler, White and Willie.

A quorum being present,

The Journal of the preceding day was read and adopted.

Mr. Allen presented the petition of John and Esther Clark.

On motion of Mr. Allen the petition was referred to the committee on Finance, without reading.

Mr. McNeill presented a petition from numerous citizens of Grimes county.

On motion of Mr. McNeill, the petition was referred to the committee on County Boundaries, without reading.

A message was received from the Senate, informing the House of the passage of the following bills by that body:

A bill to be entitled "An Act to regulate the issuance of certificates for land, to the soldiers of the 1st Reg't. of Infantry, of the late Republic of Texas; or their heirs or assigns."

A bill to be entitled "An Act to define the boundaries of Matagorda county."

A bill to define the Northern boundary line of Collin county which originated in the House of Representatives.

Mr. Lott presented a petition from sundry citizens of Cherokee county.

On motion of Mr. Lott, the petition was referred to the committee on County Boundaries, without reading.

Mr. Cunningham presented the petition of Logan and Sterne.

The petition was read, and

On motion of Mr. Cunningham, referred to the committee on Finance.

Mr. Keenan, chairman of the committee on Education, made the following report:

The committee on Education, to whom was referred "A bill making additional appropriations of land for the purposes of

Education, have had the same under consideration; and believing that the Constitution provides for it, and that justice requires that it should be done, they have instructed me to report the bill back to the House, and recommend its passage.

Report read, and the bill laid on the table, to come up among the orders of the day.

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report :

The committee on Engrossed Bills have examined a "Joint Résolution requiring the Commissioner of the General Land Office to issue a patent in the name of the heirs of William P. Nunn;" "A bill to exclude fraudulent land certificates from being evidence of title to land, and to prohibit legal process upon the same;" "A bill to incorporate the town of Montgomery;" and, "A bill for the relief of the heirs of Isaac Van Zandt, deceased;" and find the same correctly engrossed.

Mr. Fields made the following report:

The Select Committee, to whom was referred, a bill to be entitled "An act to declare certain neat-cattle estrays, and to provide for the disposal of the same," have had the bill under consideration, and the committee have instructed me to report the same back to the House, and recommend that it be laid upon the table.

The committee have, also, had under consideration, the petition of John Steele, asking to be discharged from the payment of a certain fine imposed by the District Court of Harris county, for dealing faro,—and have instructed me to return the same to the House, and ask that the said John Steele have leave to withdraw his petition, as the committee are unwilling to report any bill for his relief.

Report read, and received.

Mr. Robertson, made the following report:

The committee to whom was referred the message of his Excellency the Governor, relative to the incorporation of the officers of the late Navy of Texas into that of the United States, have had the same under consideration, and heartily concur in opinion with his excellency, that "if any class of our citizens were injured by the consummation of annexation, it was that class which constituted our Navy; inasmuch as they were thrown out of the profession to which they had been educated, and disqualified for engaging in any other business. It will, also, be admitted that the Navy was a strong arm of public defence, and assisted in the establishment of the Government and the maintenance of our national honor."

The committee, therefore, recommend the passage of the accompanying Resolution, as an act of justice to the said officers, and with the hope that those gallant men will receive the reward they are entitled to.

The report was read and laid upon the table, to come up with the orders of the day.

A Joint Resolution instructing our Senators and requesting our Representatives in the Congress of the United States, to use their influence to procure the incorporation of the officers of the late Navy of Texas into the Navy of the United States, was read a first time.

Mr. Robertson moved a suspension of the rule.

Motion carried.

And the joint resolution read a second time.

Mr. Willie moved to strike out the last section of the resolution.

Motion carried.

Mr. Tankersley moved its engrossment.

Motion carried.

And the resolution was ordered to be engrossed.

Mr. Pease, chairman of the Judiciary committee, made the following report:

The committee on the Judiciary, to whom was referred "An act to legalize in part, and more particularly define the duties of certain Commissioners of Smith county, have considered the same, and have instructed me to report the accompanying bill, entitled "An act, supplementary to an act, entitled an act, to create the county of Smith, approved April 11th, 1846, and recommend that it be adopted as a substitute for the original bill.

The report was read, and the bill laid upon the table, to come up among the orders of the day.

Mr. Tankersley introduced a bill, to be entitled "An act, to incorporate the Houston Mechanics' Institute."

Bill read a first time.

Mr. Lyons introduced the following resolution :

Resolved, by the House of Representatives of the State of Texas, That the basis of representation shall be 2,000, of free white population ; and that no fraction shall be counted, unless the same shall amount to fifteen hundred, which shall entitle the county or district to one additional representative.

Resolution read.

Mr. Willie offered the following resolution, as a substitute for that introduced by Mr. Lyons :

Resolved, That it is the opinion of the House, that, in the contemplated apportionment of representation among the various counties of the State, the whole number of members of the House of Representatives should not exceed *twenty-one* ; and the select committee on the part of the House are hereby instructed to adopt such a basis as will conform to the requirements of this resolution.

Resolution read.

Mr. Fields moved that both resolutions be laid upon the table.

The yeas and nays were called on the motion, and stood thus:

Yeas—Messrs. Allen, Bogart, Bryan, Crump, Crutcher, Cunningham, Davis of L., Davis of R., Dooley, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lamar, Lott, Miller of H., Moseley, Pease, Perry, Rayner, Reagan, Runnels, Saddler, Shannon, Shaw, Sterne, Stout, Taylor, Webb, Winkler and White—34.

Nays—Messrs. Speaker, Armstrong, Bourland, Burroughs, Caruthers, Eddy, Edwards, Lyons, McNeill, Neal, Potter, Rains, Renfro, Robertson, Stuart, Tankersley, Truitt, Walling, Wheeler, Willie and Wren—21.

Motion carried.

Mr. Allen introduced a bill to be entitled "An act to grant the privilege to the Supreme Court, to arrange the Docket, so as to take up cases by Districts."

Bill read a first time.

Mr. Allen also, introduced a bill to be entitled "An act to authorize a special tax to be collected in the county of Guadalupe."

Bill read a first time.

Mr. Reagan introduced a bill to be entitled "An act for the benefit of the occupant settlers in Mercer's and Peters' Colonies."

Bill read a first time.

Mr. Reagan also introduced a bill to be entitled "An act to provide for the election of Representatives to the United States Congress."

Bill read a first time.

Mr. Potter introduced a bill to be entitled "An act to authorize the corporate authorities of the several incorporated towns and cities in this State, to levy a tax."

Bill read a first time.

Mr. Bryan introduced a bill to be entitled "An act for the benefit of booksellers."

Bill read a first time.

Mr. Stout introduced the following resolution :

Resolved, That the committee on State Affairs take into consideration, the propriety of the passage of a law establishing a system of Patrols ; and that they report to this House by bill or otherwise, at as early a day as practicable.

Resolution read, and rejected.

Mr. Davis of R., introduced a bill to be entitled "An act to incorporate the town of Springfield."

Bill read a first time.

Mr. Truitt introduced a bill to be entitled "An act to legalize the floating of land certificates in certain cases."

Bill read a first time.

Mr. Gilliam moved to take up the two bills which were introduced by Mr. Moseley, on yesterday, and not read.

Motion carried.

A bill to be entitled "An act to provide for the support, maintenance and education of bastards."

Bill read a first time.

A bill to be entitled "An act to prescribe the manner of legitimizing illegitimate children."

Bill read a first time.

Mr. Fields moved the rejection of the bill.

Motion lost.

Mr. Robertson introduced a bill to be entitled "An act to regulate Ferries."

Bill read a first time.

Mr. Willie introduced a bill to be entitled "An act to require the Judges of the District Courts to exchange Districts."

Bill read a first time.

Mr. Bryan moved to place among the orders of the day "A bill providing for the establishment of Public Schools."

Motion carried.

Mr. Rayner moved that the orders of the day be taken up.

Motion carried.

Mr. Robertson, by leave, introduced the following resolution :

Resolved, That the Commissioner of the General Land Office be, and he is hereby, requested to report to the House of Representatives the number and size of all Spanish grants, or other evidence of right, if any, to lands; and, also, a description of all books or papers purporting to be archives that have been filed in the General Land Office, since the annexation of Texas to the United States; and that he be requested to specify, as nearly as his means of information will allow, what portion of said grants, or evidences of right, or books and papers purporting to be archives, have been brought from the government of Mexico; and by who any of the above named documents may have been filed, specifying the date of the filing of each; and that said Commissioner of the General Land Office be requested report, at the earliest practicable period.

Resolution read and adopted.

Mr. Taylor introduced a bill to be entitled "An act making appropriations for the support of the government for the years 1848 and 1849."

Bill read a first time.

A bill to be entitled "An act to regulate mills and millers," was taken up.

Mr. Miller of H., moved that the bill be referred to the committee on State Affairs.

Motion carried, and reference made.

A bill to be entitled "An act to incorporate the Union Marine, and Fire Insurance Company" was taken up, together with the amendments from the Senate.

Amendments concurred in.

A bill to be entitled "An act fixing the seat of justice of Newton county," was read a second time.

Mr. Eddy moved that the bill be engrossed,

Motion carried.

And the bill ordered to be engrossed.

A bill to be entitled "An act for the relief of persons who had their property taken off and destroyed by the Mexican government," during the Revolution, with the amendments offered by the committee on Federal Relations, were read, and the amendments adopted.

Mr. Caruthers moved to lay the bill upon the table.

Motion lost.

On motion of Mr. Crutcher,
The bill was passed to a third reading.

A bill to be entitled "An act to provide for issuing patents on certificates that have been conditionally recommended," was read a second time.

Mr. Stout moved that the bill be referred to the committee on Public Lands.

Motion carried.

A bill to be entitled "An act to incorporate the city of Lavaca," was,

On motion of Mr. Allen,
Read a second time by its caption,
And referred to the committee on the Judiciary.

A "joint resolution for the relief of Ford & Cronican," was read a second time.

Mr. Haynie moved to amend the joint resolution by inserting the words—"to take effect from and after its passage."

Motion carried.

Mr. Fields moved that the word "extra," be stricken out.

Motion carried.

Mr. Armstrong moved that the joint resolution be referred to the Judiciary committee.

Motion carried, and reference made.

A bill to be entitled "An act to regulate the license and practice of attorneys and counsellors at law," was read a first time.

A bill to be entitled "An act to legitimate a certain child," was read a second time, and

On motion of Mr. Fields,
Passed to a third reading.

A bill to be entitled "An act, to repeal an act, to provide for issuing patents to assigness, &c., approved May the 12th, 1846," was read a second time.

Mr. Dooley moved that the bill be referred to the committee on the Judiciary.

Motion carried, and reference made.

A bill to be entitled "An act to make R. F. Miller the lawful heir of Solomon Miller," was read a second time, and

On motion of Mr. Edwards,
Passed to a third reading.

A bill to be entitled "An act to prohibit the recovery of money lost or won on any bet or wager," was read a second time.

Mr. Bourland moved that the bill be referred to the committee on State Affairs.

Motion carried, and reference made.

A bill to be entitled "An act requiring certain land titles to be recorded," together with a substitute for the bill offered by the committee on the Judiciary, were read, and the substitute adopted.

Mr. Reagan moved to strike out the word "two" before "years" in the third section of the bill, and insert "one."

Motion carried.

Mr. Bryan moved that the bill be laid upon the table.

Motion carried.

A bill to be entitled an act, to amend an act, to provide for the transfer of records of administrators from old to new counties, approved May 12th, 1846," was read a second time.

Mr. Moseley moved that the bill be referred to the committee on the Judiciary.

Motion carried and reference made.

A bill to be entitled "An Act to exempt from taxation, property designed and used for religious worship," together with the amendments proposed by the committee on Finance, were taken up, and read, and the amendments adopted.

Mr. Pease moved that the bill be engrossed.

Motion carried, and the

Bill ordered to be engrossed.

A bill to be entitled "An Act to change the name of R. F. Cypert, to R. F. Miller, was

Read a third time and passed.

A bill to be entitled "An Act to create the county of Hays;"

Read a second time.

Mr. Allen moved the engrossment of the bill.

Motion carried, and the

Bill ordered to be engrossed.

A bill to be entitled "An Act to create the county of Caldwell;"
Read a second time.

Mr. Haynie moved to fill the blank with the word "Caldwell;"

Motion carried.

Mr. Haynie, then moved that the bill be engrossed.

Motion carried, and the

Bill ordered to be engrossed.

A bill to be entitled "An Act to establish a State Penitentiary," was

On motion of Mr. Potter,

Read a first time by its caption.

A bill to be entitled "An Act to provide for the election of members of Congress and members of the State Legislature, and Governor and Lieut. Governor," together with a substitute for two bills offered by the committee, were taken up and read, and the substitute adopted.

Mr. Davis of R., moved the engrossment of the bill.

Motion carried, and the

Bill ordered to be engrossed.

A "Joint Resolution authorising the Adjutant General to issue a land warrant to Elijah D. Holland," was

Read a third time and passed.

A "Joint Resolution authorizing the Commissioner of the General Land Office to issue a patent to Adolphus Sterne, assignee of Maria Josefa Sanchez," was

Read a third time and passed.

A bill to be entitled "An Act more clearly defining the marital rights of community property," was

Read a second time.

Mr. Willie moved that the bill be referred to the committee on the Judiciary.

Motion carried and reference made.

A bill to be entitled "An Act for the relief of John Keiser," was
Read a second time.

Mr. Bourland moved the engrossment of the bill.

Motion carried, and the
Bill ordered to be engrossed.

A bill to be entitled "An Act regulating elections;" together with the amendments offered by the committee on Privileges and Elections; were taken up and read.

Mr. Tankersley moved that the bill and amendments be laid on the table, to be taken up as the special order of the day on Monday next.

Motion carried.

A bill to be entitled "An Act to amend an Act to regulate the license and practice of attorneys and counsellors at law," was

Read a second time.

Mr. Willie moved that the bill be referred to the committee on the Judiciary.

Motion carried, and reference made.

A bill to be entitled "An Act for the relief of Jeremiah Bowling," was

Read a second time.

Mr. Neal moved the engrossment of the bill.

Motion carried, and the

Bill ordered to be engrossed.

A bill to be entitled "An Act to amend the 3d section of an act concerning slaves: approved, February 5th, 1840," was

Read a first time.

A bill to be entitled "An Act requiring the transfer of original causes of action to new counties," was taken up.

Mr. Runnels moved that the bill be read a second time by its caption and referred to the committee on the Judiciary.

Motion carried, and reference made.

A bill to be entitled "An Act to amend the 3d section of an act organizing the several counties of this State," was

Read a second time.

Mr. Allen moved that the bill be referred to the committee on the Judiciary.

Motion carried, and reference made.

A bill to be entitled "An Act to define the county boundaries of Goliad county," was

Read a third time and passed.

A bill to be entitled "An Act to repeal the laws of the Republic of Texas, creating a Board of Medical Censors," was

Read a third time and passed.

A bill to be entitled "An Act to incorporate the German Texian Friendship Association at Galveston," was

Read a third time.

The yeas and nays were called on the final passage of the bill, and stood as follows:

Yeas—Messrs. Speaker, Allen, Bogart, Bourland, Bryan, Caruthers, Crump, Crutcher, Cunningham, Davis of R., Dooley, Edwards, Epperson, Gilliam, Goode, Hardeman, Haynie, Keenan, Lyons, Miller of G., Miller of H., Moseley, McCown, McNeill, Neal, Perry, Potter, Rayner, Robertson, Shannon, Sterne, Stuart, Tankersley, Truitt, Walling, Winkler, Willie and Wren—38.

Nays—Messrs. Pease, Rains, Reagan, Runnels, Shaw, Stout, Taylor and Wheeler—8.

Bill passed.

A Joint Resolution for the relief of Wm. Plucker, was
Read a second time.

Mr. Sterne moved that the Joint Resolution be referred to the committee on Public Lands.

Motion carried and reference made.

A "Joint Resolution in behalf of Edward A. Weyman," was
Read a second time.

Mr. Neal moved its engrossment.

Motion carried, and the Joint Resolution ordered to be engrossed.

A "Joint Resolution instructing our Senators and requesting our Representatives in the Congress of the United States, to procure the passage of a law for the benefit of the volunteer soldiery of Texas," was

Read a second time by its caption.

On motion, the Joint Resolution was referred to the committee on State Affairs.

A bill to be entitled "An Act assenting to the purchase by the United States and ceding to the same jurisdiction of certain lands in the State for certain purposes," was

Read a second time by its caption.

On motion, the bill was referred to the committee on Federal Relations.

A bill to be entitled "An Act to provide for the removal of the Land Office of the Robertson Land District from the town of Franklin to the town of Springfield," was

Read a second time by its caption.

On motion, the bill was referred to the committee on the Land Office.

A bill to be entitled "An Act to organize the militia of the county of Newton," was

Read a second time.

Mr. Potter moved that the bill be laid on the table.

Motion carried.

A bill to be entitled "An Act to define the crime of rape," was

Read a second time.

Mr. Willie moved that the bill be referred to the committee on the Judiciary.

Motion carried and reference made.

A bill to be entitled "An Act to amend the 1st section of an act regulating the sale of runaway slaves," was

On motion of Mr. Crutcher,

Read a second time by its caption.

Mr. Crutcher moved that the bill be referred to the committee on State Affairs.

Motion carried and reference made.

A "Joint Resolution for the relief of J. Harris Catlin," was
On motion of Mr. Rayner,

Read a second time by its caption.

Mr. Rayner moved that the Joint Resolution be referred to the committee on Finance.

Motion carried and reference made.

A bill to be entitled "An Act to declare the meaning of an act regulating the transfer of property in which the wife has an interest," was

On motion of Mr. Moseley,

Read a second time by its caption.

Mr. Moseley moved that the bill be referred to the committee on the Judiciary.

Motion carried and reference made.

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills, have examined "An Act to authorise the County Court of Red River County to have the record books, A, B, and C, of deeds, mortgages, and other instruments of writing now in the office of the clerk of said county, transcribed;" Also, "An Act supplementary to An Act to organize the county of Upshur," and find the same correctly engrossed; and, having been signed by the Speaker of the House of Representatives and the President of the Senate, they were this day presented to his Excellency the Governor, for his approval.

Report read and received.

A bill to be entitled "An Act prescribing the proof necessary

for the heirs or representatives of those who fell under the command of Col. Travis, Grant, Johnson and Fannin, to obtain their headright certificates," together with the amendments to the bill offered by the Senate, were taken up, and

Read, and the amendments concurred in.

A bill to be entitled "An Act to suppress banking," together with the amendments proposed by the committee on the Judiciary, were taken up, read and the amendments of the committee adopted.

Mr. Willie moved to strike out the 2d section of the bill.

Mr. Pease moved that the bill be made the special order of the day for to-morrow.

Motion carried.

A bill to be entitled "An Act requiring owners and renters of cotton gins to keep the same enclosed," was

Read a second time.

Mr. Taylor moved that bill be laid upon the table, until the 1st of July, next.

Motion lost.

Mr. Epperson moved that the bill be laid upon the table, and made the special order of the day for Monday, next.

Motion carried.

A "Joint Resolution authorising the Governor to subscribe for three hundred copies of the Reports of the Decisions of the Supreme Court," was

Read a first time.

A bill to be entitled "An Act relative to Judges of the Supreme Court," was

Read a first time.

A bill to be entitled "An Act to amend the 11th section of An Act to Incorporate the Brazos Canal Company," was taken up.

Mr. Moseley moved that the bill be read by its caption.

Motion lost, and the bill

Read a first time.

A bill to be entitled "an act to ascertain who may be the fathers of bastard children;"

Was taken up, and

On motion of Mr. Gilliam,

Read a second time by its caption.

Mr. Gilliam moved that the bill be referred to the committee on the judiciary.

Motion carried, and

Reference made.

A bill to be entitled "an act making appropriation for the pro rata pay of E. W. Moore, Post Captain of the late Navy of Texas;"

Was taken up, and

Read a second time.

Mr. Crutcher moved that the bill be referred to the committee on Finance.

Motion carried; and

Reference made.

A bill relative to Van Zandt and Kaufman counties;

Was taken up.

Mr. Sterne moved that the bill be laid upon the table.

Motion carried.

On motion, the House adjourned until 10 o'clock, to-morrow morning.

House of Representatives,
Austin, Jan. 22, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Bur-

roughs, Bryan, Caruthers, Crump, Crutcher, Cunningham, Davis of L., Davis of R., Dooley, Edwards, Eddy, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lott, Lyons, Miller of C., Miller of H., McCown, Neal, Perry, Potter, Rains, Rayner, Reagan, Robertson, Railey, Runnels, Saddler, Shannon, Shaw, Sterne, Stout, Stuart, Tankersley, Taylor, Truit, Webb, Walling, Wheeler, White, Willie and Wren.

A quorum being present.

The Journal of the preceding day was read and adopted:

Mr. Walling presented the petition and a bill for the relief of Horace L. Upshur.

On motion of Mr. Bogart,

The petition and bill, were referred to the committee on claims and accounts, without reading.

Mr. Bogart presented the petition of sundry citizens of the county of Dallas.

Mr. Lott moved that the petition be referred to the committee on county boundaries, without reading.

Motion carried, and

Reference made.

Mr. Allen, chairman of the committee on State affairs, made the following report:

The committee on State affairs to whom was referred a bill to be entitled "an act to provide for the enumeration of the inhabitants of the State of Texas, in the year 1848;" have had the same under consideration; and I am instructed by a majority of said committee to report the same back to the House, with the accompanying amendments; and to recommend that the bill when amended as the committee advise, be passed.

Report read and received; and

The bill laid upon the table to come up among the orders of the day.

Mr. Crump, chairman of the committee on military affairs, made the following report:

The committee on military affairs, to whom was referred the petition of Nathaniel R. Mallon, and others, praying this honorable body to grant them compensation for military services, rendered the late Republic of Texas, have had the same under consideration, and for the want of proper evidence instruct me to recommend that the petition be laid upon the table.

Report adopted.

Mr. Crump, chairman of the committee on military affairs, made the following report:

The committee on military affairs, to whom was referred the "joint resolution in relation to the sale of a portion of the public domain, and the establishment of Military posts from Fort Washita to Passo del Norte, on the Rio Grande," have had the same under consideration, and instruct me to make the following report:

Strike out all after the caption, and insert the accompanying resolutions as a substitute, and recommend their passage.

Report read and received;

And the substitute laid on the table,

To come up among the orders of the day.

Mr. Caruthers, one of the committee on county boundaries, made the following report:

The committee on county boundaries, to whom was referred a bill to be entitled "an act to reduce to a constitutional size, define the boundaries, and permanently locate the county seat of Henderson county;" have had the same under consideration; and have instructed me to report the bill back to the House, and recommend its passage.

Report read and received; and

The bill laid upon the table, to come up among the orders of the day.

Mr. Reagan moved to take from the table, and place among the orders of the day, "a bill to create and organize the county of Kaufman."

Motion carried.

Mr. Moseley introduced a bill concerning real actions.
Bill read a first time.

A message was received from the Senate, informing the House of the passage of the following bills and joint resolutions, by that body:

A bill to be entitled "an act to authorize and require the Secretary of State, to cause all the unbound enrolled acts and joint resolutions of the late Republic of Texas; and of the first Legislature of the State of Texas, to be substantially bound for preservation in his office."

A bill to be entitled "an act for the relief of the heirs of Isaac Van Zandt, dec'd."

A bill to be entitled "an act to authorize the Treasurer and Comptroller, to pay over, and deliver to A. Northington, assignee of the heirs of Caleb Kemp, the money and papers deposited with them, by W. J. Manerd, administrator of C. Kemp, dec'd."

A "joint resolution, requiring the Attorney General to investigate the condition of the title to the various islands within the limits of Texas; and, if it be expedient, to cause legal proceedings to be instituted against persons claiming the same, adversely to the State;" and

A "joint resolution instructing our Senators, and requesting our Representatives in the Congress of the United States, to procure the passage of a law to compel the Judge of the District Court of the United States, for the District of Texas, to reside permanently within his district."

Mr. Keenan introduced a bill to incorporate the Berkley Academy of the county of Montgomery.

Bill read a first time.

Mr. Walling introduced a bill, imposing a tax on certain lands.

Bill read a first time.

Mr. Winkler introduced a bill to suspend the further intro-

duction of emigrants into the colonies, under contracts made with the Presidents of the late Republic of Texas.

Bill read a first time.

Mr. Eddy moved to take from the table, and place among the orders of the day, "a bill to organize the militia of Newton county."

Motion carried.

Mr. Lott asked leave to withdraw the petition of Ann Terrell.

Leave was granted.

On motion of Mr. Allen,

The House proceeded to the orders of the day.

A bill to suppress banking; reported by the committee on the judiciary;

Was taken up and read.

Mr. Willie moved to strike out the 2d section of the bill.

The yeas and nays were called on Mr. Willie's motion, and stood as follows:

Yeas—Messrs. Bourland, Crutcher, Dooley, Epperson, Haynie, Lyons, Potter, Stuart, White, Willie and Wren.—11.

Nays—Messrs. Speaker, Allen, Armstrong, Bogart, Burroughs, Bryan, Caruthers, Crump, Cunningham, Davis of L., Davis of R., Eddy, Edwards, Gilliam, Goode, Hardeman, Lamar, Lott, Miller of C., Miller of H., Moseley, McCown, McNeill, Neal, Perry, Rains, Rayner, Renfro, Reagan, Railey, Saddler, Shannon, Shaw, Stout, Tankersley, Taylor, Truitt, Webb, Walling, Winkler and Wheeler—41.

Motion lost.

Mr. Tankersley moved that the bill be engrossed.

Mr. Davis of Robertson, moved to affix the following amendments to the end of the last section of the bill:

"And that this act take effect from and after the first day of March next."

Motion lost.

Mr. Dooley offered the following amendment to the bill:

Strike out the 2d section, and insert the following as a substitute therefor:

"SEC. 2d. *Be it enacted*, That every holder of a bank bill, or note, in this State, shall be entitled to recover, by legal process against the person, persons or company, issuing or giving currency to the same, fifty per centum, in addition to the nominal value of such bank bill, or note."

Amendment rejected.

Question: Shall the bill now under consideration, be engrossed.

The question was decided in the affirmative by the House, and the

Bill ordered to be engrossed.

Mr. Crump moved to take up the bill from the Senate for the relief of Andrew Northington.

Motion carried; and the

Bill read a first time.

Mr. Crump moved that the rule, requiring bills to be read three several days, be suspended.

Motion carried; and the

Bill read a second time.

Mr. Haynie moved that the bill be passed to a third reading.

Motion carried.

Mr. Crump moved that the rule be further suspended, and that the bill be read a third time.

Motion carried; and the

Bill read a third time and passed.

A bill to be entitled "an act to organize the militia of Newton county," together with the report of the committee on military affairs,

Were taken up.

Mr. Eddy moved that the bill be engrossed.

Motion carried; and the

Bill ordered to be engrossed.

A bill to be entitled "an act to locate permanently the seat of justice of the county of De Witt;"

Was taken up, and read.

Mr. McNeill moved that a call of the House be made.

The roll was called; and a quorum found to be present.

Mr. Rayner asked that Mr. Runnels' absence be excused, on account of the indisposition of that gentleman.

The non-attendance of Mr. Runnels was excused.

Mr. Willie moved that Mr. Roberson and Mr. Keenan be excused from the call.

Motion carried.

Mr. Sterne moved that Mr. Lott be excused from the call.

Motion carried.

Mr. Dooley moved that Mr. Lewis be excused from the call on account of the indisposition of that gentleman.

Motion carried.

Mr. Neill moved that the call of the House be suspended.

Motion carried.

Mr. Allen moved that the bill be engrossed.

Mr. Willie moved to strike out the 5th section of the bill.

Motion carried and the 5th section stricken out.

Question—Shall the bill now under consideration of the House be engrossed?

The House decided in the affirmative, and the bill was ordered to be engrossed.

A bill to be entitled "an act creating the county of Medina" was taken up and read.

Mr. Dooley moved the engrossment of the bill.

Motion carried and the bill ordered to be engrossed.

A bill entitled "an act to create the county of Perdenalis," was taken up and read.

Mr. Dooley moved to amend the bill as follows:

"Strike out the word Perdenalis wherever it occurs in the bill and insert Gillespie."

Amendment adopted.

Mr. Dooley then moved the engrossment of the bill.

Motion carried and the bill ordered to be engrossed.

A bill to be entitled an act to create the county of "Kaufman," together with the amendments reported by the committee on county boundaries, were taken up.

A message was received from the Senate, informing the House of the passage of the following bills by that body.

A bill to be entitled "an act allowing to incorporate the town of Bonham in the county of Fannin," and

A bill to be entitled "an act allowing discretion to the Judges of the Supreme Court in the order of trying causes."

Question—Shall the amendment of the committee inserting "Van Zandt," instead of "Kaufman," in the bill now under consideration of the House be adopted?

Amendment rejected.

Mr. Cunningham moved that the House adjourn until 10 o'clock, Monday morning.

Motion lost.

Mr. Haynie moved that the bill be read by its caption.

Motion carried, and the bill read a second time by its caption.

Mr. Reagan moved the engrossment of the bill.

Motion carried and the bill ordered to be engrossed.

On motion of Mr. Gilliam,

The bill from the Senate allowing discretion to the Judges of the Supreme Court, in the order of trying causes, was taken up, and

Read a first time.

Mr. Gilliam moved that the rule requiring bills to be read on three several days be suspended.

Motion carried and the bill read a second time.

Mr. Tankersley moved that the bill be referred to the committee on the Judiciary.

Motion carried; and reference made.

A bill to be entitled "an act to create the county of Bonham, was taken up.

On motion of Mr. Bogart,

The bill was read a second time by its caption and passed to a third reading.

A bill to be entitled an act to incorporate the Houston Mechanic's Institute, was taken up.

On motion of Mr. Tankersley,

The bill was read a second time by its caption.

Mr. Tankersley then moved that the bill be referred to the committee on the Judiciary.

Motion carried and reference made.

A bill to be entitled "an act to grant the privilege to the Supreme Court, to change the Docket so as to take up the causes therein, by Districts was taken up.

On motion of Mr. Epperson,

The bill was read a second time by its caption.

Mr. Epperson then moved that the bill be referred to the committee on the Judiciary.

Motion carried and reference made.

A bill to be entitled "an act to authorize a special tax to be collected in the county of Guadalupe," was taken up.

On motion of Mr. Crutcher,

The bill was read a second time by its caption.

Mr. Stuart moved that the bill be referred to the committee on the Judiciary.

Motion carried and reference made.

Mr. Willie moved to adjourn until half-past 9 o'clock, Monday morning.

Motion lost.

A bill to be entitled "an act for the benefit of occupant settlers in Mercer and Peter's Colony," was taken up and read a second time.

Mr. Crutcher moved that the bill be referred to the committee on Public Lands.

Motion carried and reference made.

A bill to be entitled "an act to amend the 1st section of an act to provide for the election of Representatives to the Congress of the United States," was taken up.

Mr. Reagan moved that the bill be referred to the committee on State Affairs.

Motion lost.

Mr. Winkler moved that it be referred to the committee on Privileges and Elections.

Motion carried and reference made.

A bill to be entitled "an act to authorize the corporate authorities of the several incorporated towns and cities in this State to levy and collect a direct tax," was taken up, and read a second time-

Mr. Tankersley moved that the bill be referred to the committee on Finance.

Motion carried and reference made.

A bill to be entitled "an act for the benefit of book sellers," was taken up and read a second time.

Mr. Bryan moved that the bill be referred to the committee on Education.

Motion carried and reference made.

A bill to be entitled "an act to incorporate the town of Springfield," was taken up.

On motion of Mr. Allen,

The bill was read a second time by its caption.

Mr. Bourland moved that the bill be referred to the committee on the Judiciary.

Motion carried and reference made.

Mr. Moseley asked leave to introduce a bill.

The House refused to grant the leave requested.

A bill to be entitled "an act to legalize the floating of land certificates in certain cases," was taken up and read a second time.

Mr. McNeill moved that the bill be referred to the committee on Public Lands.

Motion carried and reference made

Mr. Davis of Liberty moved that the House adjourn until three quarters after 9 o'clock, on Monday morning.

Motion lost.

On motion of Mr. Bourland,

The House adjourned until 10 o'clock Monday morning.

House of Representatives,
Austin, Jan. 24, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Carothers, Crump, Crutcher, Cunningham, Davis, of L., Davis, of R., Eddy, Edwards, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lyons, Miller, of C., Miller of H., Moseley, McCown, McNeill, Perry, Potter, Rains, Rayner, Renfro, Robertson, Railey, Bunnels, Saddler, Shannon Shaw, Sterne, Stout, Stuart, Tankersley, Taylor, Truitt, Walling Wheeler, White, Willie and Wren.

A quorum being present,

The Journal of Saturday the 22nd inst., was read and adopted.

Mr. Burroughs asked that Mr. Webb be excused from answering to the call of his name, on account of the indisposition of that gentleman.

Excuse received.

Mr. Willie presented the petition of the County Court of Washington county.

Petition read.

On motion of Mr. Willie,

The petition was referred to the committee on Roads and Highways.

Mr. Robertson presented the petition of Ann Holmes, widow of James L. Holmes, deceased.

Mr. Robertson then moved that the petition be referred to the committee on Public Lands, without reading.

Motion carried and reference made.

Mr. Allen presented the petition of Jasper L. Gilbert.

On motion of Mr. Allen,

The petition was referred to the committee on Public Lands without reading.

Mr. Rayner presented the petition of Wm. T. Jackson.

Petition read.

Mr. Moseley moved that the petition be referred to the committee on Claims and Account.

Motion carried and reference made.

Mr. Stuart, chairman of the committee on Finance, made following report:

The committee on Finance having examined the petition of Charles Shearn and the accompanying documents, have instructed me to report the bill herewith submitted for his relief.

Report received and bill read a first time.

Mr. Allen, chairman of the committee on contingent expenses, made the following report.

The committee on Contingent Expenses have examined the account of Messrs. Johnson & Hamilton, of (\$48 19) forty eight dollars and nineteen cents, for envelope and engrossing paper, and paper folders for the use of both Houses of the Legislature; and finding the same correct, recommend that it be paid out of the fund appropriated to defray the contingent expenses of the Legislature:

Report received and laid upon the table to come up with the orders of the day.

A message was received from the Senate, informing the House of the passage by that body, of a bill which originated in the House of Representatives, to remove the disability of minority from William Stean, Jr., so as to enable him to receive his portion of the estate of his deceased parents.

Mr. Moseley introduced a bill to be entitled "An act requiring the sheriffs and the clerks of the several counties of this State, to keep their offices at the place of holding the courts in each county."

Bill read a first time.

Mr. Moseley also introduced a bill to be entitled an "Act requiring the owners of, and claimants to lands, to have their titles, muniments of titles, and claims to lands recorded in the counties in which such lands are situated."

Bill read a first time.

Mr. Bogart introduced a bill to be entitled an act authorizing the holders of land certificates to have the same located in more than two surveys."

Bill read a first time.

Mr. Cunningham introduced a bill to be entitled "An act to authorize Mr. Stoddard to make an improved charter for Goliad city."

Bill read a first time.

Mr. Miller, of H., introduced a bill to be entitled "An act, to amend an act, entitled an act, to provide for the publication of the laws of this State, approved May the 13th, 1846."

Bill read a first time.

Mr. Runnels introduced a bill to be entitled "An act, supplementary to an act in relation to Writs of Error, passed A. D. 1846,"

Bill read a first time.

Mr. Willie introduced a bill to be entitled "An act to provide for the collection of taxes for the year 1846."

Bill read a first time.

Mr. Willie also introduced a bill to be entitled "An act to designate the officers and persons who are authorized to celebrate the rights of matrimony in this State."

Bill read a first time.

Mr. Eddy introduced a bill to be entitled "An act for the emancipation of slaves."

Bill read a first time.

Mr. Eddy also introduced a bill to be entitled "An act, of sequestration."

On motion of Mr. Potter, the bill was read a first time by its caption.

Mr. Pease, chairman of the committee on the Judiciary, reported as follows :

The committee, to whom was referred a "Bill to be entitled an act concerning fraudulent and conditional titles derived from the Governments of Spain, Mexico, Coahuila and Texas," have had the same under consideration.

The first section of the bill provides that where a suit has been or may be brought against any occupant of land, by a person claiming under a title derived from the Governments of Spain, Mexico, or Coahuila and Texas, the occupant shall be allowed, under the plea of not guilty or the general issue, to prove that said title was obtained by fraud and collusion between the officer granting the title and the grantee or his assigns.

The second section provides, that where suits have been or may be brought to recover lands under titles derived from Spain, Mexico or Coahuila and Texas, to which conditions are attached, and the defendant or occupant of the land sued for, shall plead not guilty, or the general issue, the onus of proving the performance of such conditions as have not been cancelled or dispensed with by the government shall be upon the plaintiff.

The third section provides, that, in all suits prosecuted under titles emanating from said Government, the defendant or occupant shall be allowed under the plea of not guilty or the general issue, to prove any other fact material to invalidate the plaintiff's title, and to sustain the claim of the State or any other person to the land in controversy.

The fourth section provides that, if upon the trial of such causes, the jury shall be satisfied, that the title of the plaintiff was obtained by any of the practices set forth in the first section; or that the conditions attached to the plaintiffs titles have not been complied with, or cancelled, or dispensed with by the Government, or that the titles of the land is properly in the State for any other cause, they shall find a verdict for the defendant.

This bill proposes important changes in the practice and rules of evidence that have heretofore prevailed in Courts of this State; it allows individuals to exercise for their own benefit, some of the highest rights and prerogatives of the Government. It has been considered that the right to enquire whe-

ther a grant to land was obtained from the Government by fraud, or whether such grant was void for non-performance of conditions attached to it, was a right that belonged alone to the Government, and that it should be exercised for the benefit of the whole people. If titles do exist, derived from the Governments that have heretofore exercised jurisdiction over the country, which are void, or can be avoided for any of the causes named in the first and second sections of this bill; and it is thought expedient at this time that proceedings should be instituted for the purpose of having such titles set aside, a majority of the committee are of opinion that such proceeding should be under the control of the Government, and that all lands that may accrue to the State from such proceeding should be set apart as a fund for the payment of our Revolutionary debt, or for some other object in which the whole people of the State have an interest.

The third section of the bill seems to be intended mainly to allow an issue to be made and tried between individuals, whether one of them has forfeited his rights to land under the Eighth Section of the General Provisions of the Constitution of the Republic of Texas. The right to forfeit the property of those who adhere to the unsuccessful party in civil revolutions is one that has seldom been exercised in modern times. Our own Government has hitherto refrained from taking any steps to ascertain what lands have been forfeited under this provision of the Constitution, while her necessities were the greatest, and it would be impolitic and unjust to the people of the State now to allow individuals to exercise this prerogative of the Government for their own benefit. A majority of the committee believe the bill to be objectionable in many other respects, and they have directed me to report the bill to the House, and recommend that it be laid on the table.

Report and bill received, to come up with the orders of the day.

E. M. PEASE, Chairman.

Mr. Cunningham, one of the committee on the Judiciary, on the part of the minority of said committee, reported as follows:

The undersigned members of the committee on the Judiciary, to which was referred "A bill to be entitled an act concerning fraudulent land titles derived from Spain, Mexico, and Coahuila and Texas," differing in opinion with a majority of said committee, beg leave to make the following report in regard to said bill:—

The undersigned are of opinion that there is no provision in the bill which conflicts in any respect with either the Constitution of the United States or the State of Texas; that it does not operate upon the vested rights of any person, but it is in its character purely remedial.

It is well known to all who have any acquaintance with the legislative and domestic history of Coahuila and Texas, and of the Republic of Texas, that the public domain lying within the present limits of the State of Texas has been the subject of stupendous schemes of fraud, the object of which was to make the different colonization laws, which in themselves were wholesome and beneficent, the means of fattening the unscrupulous and greedy speculator: these schemes had their origin early in the history of the legislation of the State of Coahuila and Texas, and are even now, it is believed, in operation.

As an evidence of the existence of these fraudulent practices, under the government of Coahuila and Texas, the Hon. House is referred to an act of the General Congress of Mexico, passed in September, 1835, and to the Constitution of the Republic of Texas—10th Section of the General Provisions.

Independent of these solemn charges of fraudulent practices on the public domain, there is abundant evidence to prove that many hundreds of leagues of land were fraudulently procured from the agents of the Government of that State.

There is also a good reason to believe that many surveys were made after the Declaration of Independence of the Republic, and in direct contavention of the Constitution of the Republic; and that many titles were issued fraudulently, after that date, and are even now being issued by Commissioners, under the authority from the State of Coahuila and Texas, bearing date anterior to the declaration of independence.

These fraudulent acts make their appearance in our courts, clothed with all the authority and sanctity of an act authorized by law. But whatever might have been said in relation to the unimpeachable character of these acts, it is presumed that since the solemn declaration of the Convention of 1836, in regard to

these frauds, and its endorsement by the people themselves, and since the repeated acts of Congress, and of the last and present Legislature, in regard to fraudulent certificates, no objection can be raised to the present bill on the ground of its unconstitutionality by this Legislature.

For if we examine the statutes of the republic and the State, we will find in the acts of every session since the year 1840, some act having for its object the destruction of the frauds committed on the public domain since the year 1836. We will find that the most stringent measures have been resorted to, to remedy the evil.

The claims originating in fraudulent certificates have been struck dead, in whatever condition, or in whose hands they may have been found at the passage of the act of 1840. Many claims good and honest in their origin and character, have been destroyed by the desperate remedy applied to eradicate the evil; and sir, it was but yesterday that the committee on the Judiciary unanimously reported a bill, the object of which was to destroy the last *spark of vitality* remaining in the already *lifeless corpses* of the fraudulent certificates, by forbidding process to issue upon any claim founded upon them from any Court.

The undersigned can see no reason why such vigorous means should be used against one set of fraudulent claims, whilst others of a character equally corrupt in their origin, equally ruinous and extensive in their operation should not only "go unwhipped of justice," but should be cloaked from judicial investigation.

The bill now before the House asks no "Traveling Board of Commissioners" to act on *ex parte* evidence—it annuls no act of an officer authorized to issue titles—it forbids no process to issue upon any claim: but asks the privilege for the honest occupant of the soil to expose the fraudulent and void act of the land speculator, who may wish to oust him from his home, and the undersigned confess, that after mature and intense reflection upon this subject, they can see no reason why one class of frauds should find favor in the legislative halls, and another should be made the scapegoat to bear the sins of all its kindred.

The second and third sections of the bill are equally unexceptionable and necessary in the opinion of the undersigned—they divest no right: but affect only claims which already become worthless and void in the hands of the holder by the laws

of the land, either from some act of omission on the part of the grantee, or by the performance of some act which by the Constitution of the Republic forfeits all rights to lands which they have in the State.

In regard to the former class of cases as well as to fraudulent claims—The undersigned are of opinion that the bill under consideration is only declaratory of a right which existed under the laws of Spain and of Mexico, and which now exists under the laws of Texas. - The object and design of Spain in granting and ceding her public domain, was to colonize the vacant lands in the territory of her colonies, and to have them cultivated; the same system of policy was pursued by Mexico up to the date of the Texas Revolution; as the best means of arriving at this *desideratum* concessions were made with conditions attached to them, upon the performance of which conditions the dominion of the land became absolute in the grantee. But by the non-performance of the conditions, the lands immediately reverted to the public domain, and became subject to a like grant to another grantee.

The same general system was adopted by the State of Coahuila and Texas, acting under authority of the Supreme Government; besides the headright grants, a large number of other and larger grants were made by the said government. It is true Sir, that the government of the Republic of Texas cancelled the most of the conditions attached to headright claims; but upon the large grants the conditions remain in full force and effect.

The government of the Republic pursued the same system of granting conditional headrights, smaller in amount it is true, and with less onerous conditions; to wit, that of remaining in the country three years; now, where these conditions attached to any of these grants issued by any of the governments which have had authority to alien or sell or issue titles to the same, have been complied with.—It is submitted that the grantees have an absolute property, where they have not been complied with, the object of the grant has failed, and the government is now the owner of the land contained in said grants. During this session of the Legislature the honorable judiciary committee have recommended the indefinite postponement of a bill which had for its object the removal of these conditions attached to the small headrights of three hundred and twenty, and six hundred and forty acres; we have

thus Sir, held the settler and the soldier of the country strictly to the performance of the conditions of his petty grant, whilst the greedy speculator of Texas, or an alien enemy, or foreigner, who has purchased directly in contravention of the Constitution of the Republic, holds his eleven league claims untrammelled by any conditions whatever. Such, Sir, has been the policy of our laws as understood and determined by more than one of our District courts; and these doctrines are held it is said, because legislation is necessary before these frauds and conditions are examinable in our courts of justice.

Again, another class of cases which will be affected by the bill before the House, are forfeitures under the Constitution of the Republic; for aiding the enemy, or for refusing, and leaving the country to avoid a participation in the war. It is urged against the claiming of these forfeitures, that the spirit of the age does not warrant us in punishing a party in a revolution, for political opinions or acts; the undersigned believe that such acts should rarely be resorted to, but where the highest power in a state have made such a law, it must be presumed that the exigencies of the times rendered it in their opinion necessary, and the law should be carried into effect; especially, when we consider that the State labors under a larger amount of debt than she is able to pay, contracted during her struggle for independence, and which she pledged her faith to discharge. The public debt consists of lands as well as money.

The undersigned believe that the State would be unjust not to claim all that may be due it, while a cent of these sacred debts are unpaid; and they further believe that the operation of the bill before the House would be to save thousands of leagues of land to the State, without the expenditure of one cent of money, by the State, and without doing injustice to any person, whilst it would tend greatly to the quieting of the titles of the settlers and occupants of the lands of the country, a result which is certainly much to be desired. For these reasons the undersigned would recommend the passage of the bill with amendments herewith submitted.

Signed,

A. S. CUNNINGHAM,
JAMES ARMSTRONG,
SAM. F. MOSELEY,
B. H. EPPERSON,
C. M. WINKLER,
JAMES GILLIAM.

Received and laid on the table to come up among the orders of the day.

Mr. Pease, chairman of the committee on the judiciary, by leave, made the following report:

The committee on the judiciary, to whom was referred the petition of Sarah Ann Kelton; and also, a bill to be entitled "an act to authorize Sarah Ann Kelton, wife of Oliver P. Kelton, a lunatic, to make valid conveyances of her real estate and negroes," have had the said petition and bill under consideration. From information communicated to the committee, they are of opinion that the prayer of the petitioner should be granted; but they believe that the bill should be amended, by adding at the end thereof, the following proviso:

"Provided, however, That if the said Oliver P. Kelton, shall at any time hereafter, become of sound mind, the said Sarah Ann Kelton shall cease to have or exercise any authority hereby granted to her, from and after such time."

With this amendment, the committee recommend the bill to the favorable consideration of the House.

Report received, and the bill laid upon the table to come up with the orders of the day.

Mr. Pease, chairman of the committee on the judiciary, also, reported as follows:

The committee on the judiciary, to whom was referred a bill to be entitled "an act, authorizing the County Court of Fort Bend county to levy an additional tax," have considered the same, and a majority of the committee, not perceiving any objection to the bill, have instructed me to report the same to the House.

Report received, and the bill laid upon the table to come up among the orders of the day.

Mr. Potter introduced the following resolution:

Resolved by the House of Representatives, That the select committee appointed by this House, on the 7th of this month, to examine into, and report to this House, the condition of the offices of Comptroller and Treasurer of the State, &c, are hereby requested to report to this House, on or before the 1st day of February next.

The resolution was read, and
On motion of Mr. Gilliam,
Laid upon the table.

Mr. Goode introduced a bill to be entitled "an act to incorporate the Republican Academy, in the town of Marshall."

On motion of Mr. Stuart,

The bill was read a first time by its caption.

Mr. McCown introduced a bill to be entitled "an act for the relief of Alford Briggance."

Bill read a first time.

Mr. Taylor introduced a 'joint resolution, authorizing and requiring the Comptroller of Public Accounts, to examine and settle certain accounts therein mentioned."

Joint resolution read a first time.

Mr. Stout introduced the following resolution:

"Resolved, That the committee on county boundaries, enquire into, and ascertain the number of square miles contained in each of the counties, created at the last session of the Legislature of this State; and that they report to this House, as soon as practicable."

Resolution read and adopted.

Mr. Caruthers moved that Mr. Stout be added to the committee on county boundaries.

Motion carried.

Mr. Neal presented the proceedings of a public meeting of the citizens of Goliad county.

Mr. Neal moved that the document be referred to the committee on State affairs.

Motion carried, and reference made.

Mr. Neal introduced a bill to be entitled "an act for the punishment of illegal voting; and for other purposes."

Bill read a first time.

Mr. Dooley moved that the petition of Nathaniel R. Mallon be taken from the table, and referred to the committee on military affairs.

Motion carried, and

Reference made.

On motion of Mr. Pease,

The House proceeded to the orders of the day.

A bill to be entitled "an act regulating elections," together with the amendments, reported by the committee on privileges and elections;

Were taken up, and the

Amendments adopted.

A message was received from the Senate, informing the House of the passage of the following bills, by that body:

A bill to be entitled "an act to authorize the sale of lots in the city of Austin, and on the tract adjoining."

A bill to be entitled "an act to provide for vesting in the State escheated property."

A bill to be entitled "an act for the relief of the heirs of Patrick Reel."

A bill to be entitled "an act to incorporate Fire Company No. 1, city of Houston," with an amendment.

Mr. Allen moved that the bill regulating elections be engrossed.

Mr. Rayner moved that the bill be read by sections.

Motion carried.

In the fourth section of the bill, Mr. Allen moved to strike out the word "may," and insert "shall."

Motion adopted.

In the tenth section of the bill, Mr. Willie moved to strike out "four," and insert "five."

Motion rejected.

In the tenth section of the bill, Mr. Davis of R., moved to strike out the words "one hour," and insert "one hour and-a-half."

Motion rejected.

Mr. Fields offered the following amendment, to the tenth section of the bill:

"And shall be closed at four o'clock, p. m."

Amendment rejected.

Mr. Willie offered the following as a substitute for the tenth section:

"SECTION 10. The polls shall not be opened before nine o'clock, a. m., and shall be closed at five o'clock, p. m.; and not more than one adjournment shall be had during the day, which shall not exceed one hour."

Substitute rejected.

Mr. Taylor moved to amend the tenth section of the bill as follows:

"Shall not open before nine o'clock, a. m., and not close before 5 o'clock, p. m."

Amendment rejected.

Mr. Dooley proposed to amend the tenth section, by inserting after the word "enacted," "that all general and regular

elections shall be held on the same day throughout the State; and shall continue but one day, the polls, &c."

Amendment rejected.

Mr. Tankersley offered the following as a substitute for the 11th section:

SECTION 11. The several clerks of elections shall keep a list of the names of all persons allowed by the judges to vote; and number each name on his list. And whenever any person offering to vote, is challenged, or any doubt arises, as to his right to vote, the clerks shall write on the ticket, or ballot of such person, the number corresponding to the voter's name on their lists; in order that, in case of a contest and enquiry it may be ascertained for whom such votes, if illegal, were given. But no person shall open, or examine the ticket, or ballot of any voter, until the polls are closed; nor shall any one then, or at any time be allowed to compare the list of voters and ballots, so as to ascertain for whom any one voted, except in case of a contested election.."

The yeas and nays were called on the adoption of Mr. Tankersley's substitute for the 11th section of the bill and stood as follows:

Yeas—Messrs. Speaker, Bogart, Burroughs, Bryan, Crutcher, Davis of L., Davis of R., Dooley, Eddy, Edwards, Gilham, Hardeman, Haynie, Keenan, Lyons, Miller of C., McNeill, Neal, Perry, Rains, Saddler, Stuart, Tankersley, Taylor, Truit, Walling Wheeler and White.—28.

Nays—Messrs. Allen, Armstrong, Bourland, Caruthers, Crump, Cunningham, Epperson, Fields, Goode, Miller of H. Moseley, McCown, Potter, Rayner, Reagan, Robertson, Ralley, Runnels, Shannon, Shaw, Sterne, Stout, Winkler and Willie—24.

Substitute adopted.

Mr. Keenan offered to amend the 11th section as follows: "And all votes when counted, shall be destroyed; except such as are numbered, as doubtful or illegal."

Amendment rejected.

Mr. Willie proposed to amend the bill by striking all out of the 11th section after the word "list" in the 4th line.

Mr. Crutcher moved a re-consideration of the vote of the House by which Mr. Tankersley's substitute for the 11th section of the bill was adopted.

The yeas and nays were called on the motion of Mr. Crutcher and stood as follows:

Yeas—Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Caruthers, Crump, Crutcher, Cunningham, Epperson, Fields, Goode, Miller of H., Moseley, McCown, Neal, Perry, Potter, Haynie, Reagan, Robertson, Railey, Runnels, Shannon, Shaw, Sterne, Stout, Stuart, Winkler, Willie and Wren—31.

Nays—Messrs. Burroughs, Bryan, Davis of L., Davis of R., Dooley, Eddy, Edwards, Gilliam, Hardeman, Keenan, Lyons, Miller of C., McNeill, Pease, Rains, Saddler, Tankersley, Taylor, Truitt, Walling, Wheeler and White—22.

Motion carried.

Mr. Gilliam moved that the bill and amendments be laid on the table until to-morrow.

Motion lost.

Mr. Davis of Liberty moved that the House adjourn until to-morrow morning 9 o'clock.

Motion lost.

Mr. McNeill moved that the bill and amendments be laid upon the table until the day after to-morrow.

Motion carried.

A bill to be entitled "an act to incorporate the town of Montgomery,"

Was taken up.

Mr. Carothers moved that the bill be read by its caption.

Motion carried.

Mr. Neal moved to adjourn until to-morrow morning 9 o'clock.

Motion lost.

Mr. Cunningham moved that the bill for the incorporation of the town of Montgomery be referred to the committee on the Judiciary.

Motion carried and reference made.

On motion of Mr. Armstrong,

Mr. Allen was added to the committee on the Judiciary.

A bill to be entitled "an act relative to special Judges of the Supreme Court," was taken up and

Read a second time.

Mr. Willie moved that the bill be referred to the committee on the Judiciary.

Motion carried and reference made.

Mr. Allen moved that the House adjourn until a quarter past 9 o'clock, to-morrow morning.

Motion lost.

A bill to be entitled "an act to amend an act incorporating the Brazos Canal Company,"

Was taken up.

Mr. Carothers moved that a call of the House be made.

Motion carried.

The call was made, and a quorum found to be present.

On motion of Mr. McNeill,

The call was suspended.

The bill under consideration of the House, was then read a second time.

Mr. Stuart moved that the bill be referred to the committee on Internal Improvements.

Motion carried and reference made.

A bill to be entitled "an act to exclude fraudulent land certificates from being evidence of title to land, &c., was taken up.

Read a third time and passed.

Mr. Edwards moved that the House adjourn until 3 o'clock, p. m.

Motion lost.

A bill to be entitled an "act to legitimate Beazeley Dugat," was taken up.

Read a third time and passed.

A "joint resolution authorizing the Governor to subscribe for 300 copies of the reported Decisions of the Supreme Court," was taken up.

On motion of Mr. Epperson,

The joint resolution was read a second time by its caption.

Mr. Epperson then moved that the resolution be referred to the committee on the Judiciary.

Motion carried and reference made.

A bill to be entitled "an act to amend the 3d section of an act to regulate the license and practice of Attorney's," was taken up.

On motion of Mr. Epperson,

The bill was read a second time by its caption.

Mr. Epperson then moved that the bill be referred to the committee on the Judiciary.

Motion carried and reference made.

A "joint resolution authorizing the Commissioner of the General Land Office to issue a patent to the heirs of Wm. P. Nunn, deceased;" was taken up.

Read a third time and passed.

A bill to be entitled "an act to make R. F. Miller the lawful heir of Solomon Miller," was taken up.

Read a third time and passed.

A bill to be entitled "an act for the relief of those citizens who had their property taken off and destroyed by the Mexican Government during the revolution," was taken up.

Read a third time and passed.

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report.

The committee on Engrossed Bills have examined a bill to be entitled "an act to provide for fixing the seat of Justice of the county of Newton," and find the same correctly engrossed.

Report read and received.

Mr. Miller of Houston moved that the House adjourn until to-morrow morning 9 o'clock.

Mr. Burroughs, chairman of the committee on enrolled bills made the following report:

The committee on enrolled bills have examined "an act to incorporate the Union Marine and Fire Insurance Company," and,

"An act defining the northern boundary line of Collin county," and find the same correctly enrolled, and having been signed by the Speaker of the House of Representatives and the President of the Senate, was this day presented to his Excellency the Governor, for his approval.

Report read and received.

A bill to be entitled "an act to establish a State Penitentiary," was taken up.

On motion of Mr. Bogart,

The House adjourned until to-morrow morning, 10 o'clock.

House of Representatives,
Austin, January 25 th, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Crump, Crutcher, Carothers, Cunningham, Davis of L., Davis of R., Dooley, Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lamar, Miller of C., Miller of H., Moseley, McCown, McNeill, Neal, Pease, Potter, Rains, Rayner, Renfro, Reagan, Robertson, Railey, Runnels, Saddler, Shannon, Shaw, Stout, Stuart, Tankersley, Taylor, Truitt, Walling, Winkler, Wheeler, White, Willie and Wren.

A quorum being present,

The Journal of the preceding day was read and adopted.

Mr. Willie moved to reconsider the vote passing the bill for the relief of those citizens who had their property destroyed and taken off during the Texas Revolution.

Motion carried.

Mr. Hardeman presented the petition of James Smith.

On motion of Mr. Hardeman,

The petition was referred to the committee on Finance without reading.

Mr. Goode presented the petition of the citizens of Panola county.

On motion,

The petition was referred to the committee on county boundaries, without reading.

Mr. Winkler presented the petition of Elephas Spencer.

Petition read, and

On motion,

Referred to the committee on State Affairs.

Mr. Bourland presented the petition of the citizens of Mount Pleasant.

On motion,

The petition was referred to the committee on the Judiciary, without being read.

Mr. Reagan presented the petition of the citizens of Cherokee county.

On motion,

The petition was referred to the committee on county boundaries, without being read.

Mr. Shaw presented the petition of the citizens of Milam county:

Which was read.

Mr. Carothers moved that the petition be referred to the committee on State Affairs.

Motion carried and reference made.

A message was received from the Senate, informing the House of the passage by that body of a bill authorizing the Comptroller to sell at public Auction the lots in the town of Austin and on the tract adjoining.

Bill returned to the Senate by request.

Mr. Taylor presented the memorial of the Trustees of Marshall University.

On motion,

The memorial was referred to the committee on Education, without reading.

Mr. Pease, chairman of the Judiciary committee, made the following report:

The committee on the Judiciary, to whom was referred a bill to be entitled "An act to amend the twelfth section of the Act of Limitations, approved February the 5th, 1846," have examined said bills, and a majority of the committee are of opinion that the section proposed to be amended is already sufficiently explicit; and that the effect of the amendment would be, to leave a doubt upon the construction which has heretofore generally been given to said section. The committee, therefore, have instructed me to report the bill back to the House, and recommend that it be laid upon the table.

Report and bill received, to come up in their regular order.

Mr. Pease, chairman of the committee on the Judiciary, also made the following report;

The committee on the Judiciary, to whom was referred a bill to be entitled "An act requiring County Clerks to perform certain duties," have examined the same: the bill requires County Clerks to transmit to the Attorney General, a list of all headright claims for lands in their respective counties, which were not reported as genuine, by the Local and Traveling Boards of Land Commissioners. The information sought to be obtained by the bill, can now be had by application to the Land Office, to which said clerks have heretofore reported: the committee can see no reason why they should again report to the Attorney General.

They therefore recommend that the bill be laid upon the table.

Report and bill received, to come up in their regular order.

Mr. Pease, chairman of the committee on the Judiciary, reported as follows:

The committee on the Judiciary, to whom was referred a bill to be entitled "An act to amend the fourth section of an act to

regulate the license and practice of Attorneys and Counsellors at Law, approved May, the 12th, 1846," have considered the same, and a majority of the committee have directed me to recommend the bill to the favorable consideration of the House.

Report and bill received, to come up in their regular order.

Mr. Pease, chairman of the committee on the Judiciary, also made the following report :

The committee on the Judiciary, to whom was referred a bill to be entitled "An act to incorporate the town of Springfield," have examined the same ; and not perceiving any objections to the bill, have directed me to report the same to the House for its action.

Report received, and the bill laid on the table, to come up with the orders of the day.

Mr. Pease, chairman of the committee on the Judiciary, made the following report :

The committee on the Judiciary, to whom was referred the accompanying resolution, have examined the same ; and not perceiving any objection to its passage, have directed me to report the bill back to the House, without amendment.

Report and bill received, to come up in their regular order.

Mr. Pease, chairman of the committee on the Judiciary, reported as follows :

The committee on the Judiciary, to whom was referred a bill to be entitled an "Act to authorize a special tax to be collected in the county of Guadalupe," have considered the same. The

tax is proposed to be applied, *exclusively*, to the building of a County Jail; and the committee recommend the bill to the favorable consideration of the House.

Report received, and bill laid on the table, to come up with the orders of the day.

Mr. Pease, chairman of the committee on the Judiciary, made the following report :

The committee on the Judiciary, to whom was referred a bill to be entitled an "Act to amend the first, second and fourth sections of an Act, to regulate the license and practice of Attorneys and Counsellors at Law, approved May the 12th, 1846," have considered the same, and not perceiving any benefit to be derived from the proposed amendments, have directed me to report the bill back to the House, and recommend that it be laid upon the table.

Report and bill received, to come up in their regular order.

Mr. Pease, chairman of the committee on the Judiciary, also reported as follows :

The committee on the Judiciary, to whom was referred the bill to be entitled "An act to prohibit the sale of powder, lead, or spirituous liquors, to Indians," have considered said bill; and a majority of the committee have directed me to report it back to the House, and recommend that it be laid upon the table.

Report and bill received, to come up with the orders of the day.

Mr. Bogart, chairman of the committee on Federal Relations, made the following report :

The committee on Federal relations, to whom was referred the bill to be entitled "An act, assenting to the purchase by the United States, and ceding to the same jurisdiction of certain lands in this State, for certain purposes," have had the same under consideration; and, after having carefully examined the bill, have instructed me to report it back to the House, without amendment, and recommend the passage of the same.

Report and bill received, to come up in their regular order.

Mr. Reagan, chairman of the committee on Public Lands, made the following report:

The committee on Public Lands, to whom was referred the "Joint resolution for the relief of William Plucker," have had the same under consideration, and have instructed me to report the joint resolution back to the House, and recommend its passage.

Report received, and the resolution laid upon the table, to come up with the orders of the day.

Mr. Reagan, chairman of the committee on Public Lands, also reported as follows:

The committee on Public Lands have had under consideration a bill to be entitled "An act to legalize the floating of land certificates, in certain cases, and have instructed me to report the same back to the House, and recommend that it be laid upon the table, and ask that they be discharged from its further consideration.

Report and bill received, to come up in their regular order.

Mr. Reagan, chairman of the committee on Public Lands, also made the following report:

The committee on Public Lands have had under consideration a bill to be entitled "An act to provide for issuing patents on land certificates, which have been conditionally recommended, and have instructed me to report the same back to the House, and recommend that it be laid upon the table, as the committee have not been sufficiently advised of the necessity of legislative action upon the subject. The committee have also had under consideration the petition of Timothy Carpenter, and have instructed me to report the same back to the House, and recommend that it be laid upon the table.

Report, bill and petition received, to come up in their regular order.

Mr. Carothers, chairman of the committee on County Boundaries, made the following report :

The committee on County Boundaries, to whom was referred the petition of the citizens of Lavaca county, praying that their county seat be sustained: and, also, a petition from the citizens of the same county, praying that the location of their county seat be, by enactment, given to the people, have examined the same, and beg leave to report, that, after examining the evidence brought before them, they would respectfully request—as the town of Petersburg is within two miles of the centre of said county, and has, by enactment of the Legislature, been made the county seat thereof, that they be discharged from the further consideration of the subject, believing that no legislation is necessary in the premises.

The committee have also examined a bill to be entitled "An act to define the boundaries of Comal county:" And a bill to be entitled "An act creating the county of Wishita," and would respectfully recommend their passage.

Report and bills received, to come up in their regular order.

On motion of Mr. Willie,

Mr. Robertson was added to the committee on Roads and Public Highways.

Mr. Moseley introduced a bill to be entitled "An act appropriating the fines and penalties accruing to the State, by all suits and prosecutions in which the State is plaintiff, to the payment of the juries and witnesses in the State causes; and clerks, and sheriffs, and the counties in which fines are assessed, forfeitures occur, or suits prosecuted to judgment, in favor of the State."

Bill read a first time.

Mr. Allen introduced a "Joint resolution to revive the office of Auditor, as it existed under the late republic of Texas."

Joint resolution read a first time,

Mr. Sterne introduced a bill to be entitled "An act, to amend an Act, entitled an 'Act, to incorporate the town of Nacogdoches,' and other towns, approved June the 5th, 1837."

Bill read a first time.

Mr. Runnels introduced a bill to be entitled "An act, to amend an 'Act, to detect fraudulent land certificates,' passed by the first Congress of the Republic of Texas."

Bill read a first time.

Mr. Miller, of Houston, introduced a bill to be entitled "An act, to amend an act, entitled an act, to regulate proceedings in the District Courts, approved May the 13th, 1846."

Bill read a first time.

Mr. Eddy introduced a bill to be entitled "An act concerning cheats and swindlers, and offences against the public trade."

Bill read a first time.

Mr. Sterne introduced the following resolution:

Resolved, That the committee on Education be instructed to enquire whether, notwithstanding certain towns in this State, have received special grants of land from the State of Coahuila and Texas, the counties in which the said towns are situated, are not entitled in common with the other counties, to their *quantum* of land, for purposes of Education, by the Constitution and laws; and that they report hereon by bill or otherwise.

Resolution read and adopted.

Mr. Potter introduced a bill, to be entitled "An Act to amend

an act, entitled an act to organize the Supreme Court of the State of Texas ;" approved, May 12, A. D. 1846.

Bill read a first time.

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report :

The committee on Engrossed Bills, have examined a bill to be entitled "An Act for the relief of John Keiser ;"

A bill to be entitled "An Act to fix the time of holding elections for the several State and county officers, and for Representatives to the U. S. Congress ;"

A "Joint Resolution instructing our Senators and requesting our Representatives in the Congress of the United States to use their influence to procure the incorporation of the officers of the late Navy of Texas into the Navy of the United States ;"

A bill to be entitled "An Act defining the Southern boundary line of Collin and Denton counties, and the Northern boundary line of Dallas and Henderson counties ;"

A bill to be entitled "An Act for the relief of the heirs of Jeremiah Bowling ;"

A bill to be entitled "An Act to exclude fraudulent land certificates from being evidence of title to land, and to provide for the issuing of legal process upon the same ;"

A bill to be entitled "An Act to exempt certain property from taxation, designed and used for the purposes of religious worship and of education ;" and find the same correctly engrossed.

Report received.

Mr. Walling introduced the following resolution :

Be it Resolved by this House, That the committee on Finance be instructed to examine the 14th section—pages 351 and 52, of the "Act to prescribe for the assessing and collecting of taxes ;" approved, May 13, 1846, and see if the same should not be so altered and amended, as to read, "collected," instead of as

"assessed;" as it is believed that the same would be better understood, and that the *per cent.* is more than the State and county ought to pay: and, for this cause, this Resolution is offered; and, that the committee make report of the same.

Resolution adopted.

Mr. Willie moved to amend, so that the preamble may come first, and the resolution after.

Motion lost.

On motion of Mr. Bogart,

The House proceeded to the orders of the day.

A bill to be entitled "An Act to incorporate Protection Fire Company, No. 1, city of Houston," was taken up, together with an amendment from the Senate.

Amendment read and adopted.

A bill to be entitled "An Act to reduce to its constitutional size, define the boundaries, and permanently locate the county seat of Henderson county;" together with the report of the committee on County Boundaries, thereon, were taken up and read.

Mr. Reagan moved the engrossment of the bill.

Mr. Stout moved to amend the bill, as follows:

Strike out, "320," and insert, "120."

Mr. Willie moved to strike out all that part of the section which authorises the commissioner to condemn land for the county site.

Motion carried.

Question—Shall the bill now under consideration of the House be engrossed?

The House decided in the affirmative and the bill was ordered to be engrossed.

A bill to be entitled "An Act imposing a tax on certain lands," was taken up, and

Read a second time.

Mr. Tankersley moved that the bill be referred to the committee on Finance.

Motion carried and reference made.

A bill to be entitled "An Act to provide for the enumeration of the inhabitants of the State of Texas in the year 1848," was taken up, together with the amendments reported by the committee on State Affairs.

Amendments read and adopted.

Mr. Pease offered the following amendment :

Sec. 6. That the assessor and collector shall at the time they are taking the enumeration herein provided for, also ascertain the number of acres of land in cultivation in their respective counties, and the crops in which the same is cultivated; and they shall make return of the same in like manner as the census is herein required to be returned.

Amendment adopted.

Mr. Pease proposed the following as an amendment :

Alter the number of the sections so as that which is now the "6th," shall be made the "7th."

Amendment adopted.

Mr. Pease moved further, to amend as follows :

Amend the title so as to read, "An Act prescribing further duties for Assessors and Collectors."

Amendment adopted.

Mr. Miller of H., offered the following as an amendment :

Insert at the end of the 3d section the words, "which they may enumerate."

Amendment adopted.

Mr. Miller of H., also, proposed the following as an amendment :

Strike out the word "Assessor," and insert the words "Assessors and Collectors of Taxes."

Amendment adopted.

Mr. Gilliam offered a substitute for the bill and amendments.

Substitute read and adopted.

A message was received from the Senate, informing the House of the passage by that body of a bill which originated in the House of Representatives, to be entitled "An Act to create the county of Webb," with an amendment.

Amendment read and adopted.

Mr. Cunningham moved that the substitute offered by Mr. Gilliam for the bill now under consideration of the House, be referred to the committee on State Affairs.

Mr. Pease moved to amend the motion, by adding the original bill and amendments.

Motion carried.

Question : Shall the substitute offered by Mr. Gilliam, together with the original bill and amendments be referred to the committee on State Affairs?

The House decided in the affirmative, and the reference was made.

The "Joint Resolutions for the sale of a portion of the Public Domain and the establishment of a line of Military Posts, from

Fort Washita to the Passo del Norte, on the Rio Grande;" together with the substitute therefor, reported by the committee on Military Affairs, were taken up.

Substitute read and adopted.

Mr. Stout moved the engrossment of the bill.

Motion carried, and the bill ordered to be engrossed.

A bill to be entitled "An Act concerning real actions," was taken up.

On motion of Mr. Allen, the bill was

Read a second time by its caption.

Mr. Allen, then moved that the bill be referred to the committee on the Judiciary.

Motion carried, and reference made:

A bill to be entitled "An Act to incorporate Berkley Academy of Montgomery county," was taken up.

On motion of Mr. Cunningham, the bill was

Read a second time, by its caption.

Mr. Cunningham, then moved that the bill be referred to the committee on Education.

Motion carried, and the reference made.

A bill to be entitled "An Act to suspend the further introduction of settlers, under the colony contracts made by the Presidents of the late Republic of Texas," was taken up.

On motion of Mr. Carothers, the bill was

Read a second time, by its caption.

The bill was then referred to the committee on State Affairs.

A bill to be entitled "An Act authorising the Secretary of State to have the enrolled bills, &c., of the Republic and State of Texas substantially bound, for preservation in his office," was taken up, and

Read a first time.

A bill, which originated in the Senate, to be entitled "An Act

authorising and requiring the Attorney General to investigate the title of the State to the Islands within its limits, &c., was taken up, and

Read a first time.

A bill to be entitled "An Act to incorporate the town of Bonham," was taken up.

On motion of Mr. Stout, the bill was

Read a third time, by its caption.

Mr. Cunningham moved that the bill be referred to the committee on the Judiciary.

Motion lost.

Question : Shall the bill now under consideration of the House be passed?

The yeas and nays were called, and stood as follows :

Yeas—Messrs. Speaker, Armstrong, Bogart, Bourland, Burroughs, Carothers, Crutcher, Dooley, Eddy, Edwards, Epperson, Gilliam, Goode, Hardeman, Haynie, Keenan, Lyons, Miller, of C., Mosely, McCown, McNeill, Neal, Rayner, Reagan, Robertson, Shannon, Sterne, Stout, Stuart Tankersley, Taylor, Truitt and Winkler—33.

Nays—Messrs. Bryan, Crump, Cunningham, Davis of L., Fields, Miller of H., Pease, Potter, Rains, Renfro, Runnels, Shaw, Walling, Wheeler, White, Willie and Wren—16.

Carried, and the bill passed.

Mr. Tankersley moved that the bill to be entitled "An Act to create the county of Webb;" together with the amendments proposed by the Senate, be taken up.

Motion carried, and the amendment adopted.

A bill to be entitled "An Act to provide for the support, maintenance and education of bastards;" was taken up, and

Read a second time.

Mr. Moseley moved that the bill be referred to the committee on the Judiciary.

Motion carried, and reference made.

A bill to be entitled "An Act to provide for legitimating illegitimate children," was taken up, and
Read a second time.

Mr. Moseley moved that the bill be referred to the committee on the Judiciary,

Motion carried, and reference made.

A bill to be entitled "An Act to regulate ferries," was taken up, and on motion,

Read a second time, by its caption.

Mr. Robertson moved that the bill be referred to the committee on Roads and Public Highways.

Motion carried and reference made.

A bill to be entitled "an act relative to Judges of the Supreme Court;" was taken up and read a second time.

Mr. Miller of Houston moved that the bill be referred to the committee on the Judiciary.

Motion carried and reference made.

A bill to be entitled "an act making an appropriation for the support of the government for the years 1848 and 1849;"

Was taken up and read a second time.

On motion,

The bill was referred to the committee on Finance.

A bill to be entitled an act to legalize and better define the duties of certain commissioners in Smith county," together with a substitute for said bill were taken up.

Substitute read and adopted.

Mr. Sterne moved the engrossment of the bill.

Motion carried and the bill ordered to be engrossed.

A bill to be entitled "an act making an additional appropriation of land for purposes of education,"

Was taken up and read a second time.

Mr. Runnels moved that the bill be engrossed.

Mr. Willie moved that the bill be referred to the committee on the Judiciary.

Motion carried and reference made.

A bill (which originated in the Senate) to be entitled "an act to regulate the issuance of certificates of land to soldiers, &c.

Was taken up and read a first time.

A bill (which originated in the Senate) to be entitled "an act to amend the 3d section of an act regulating slaves,"

Was taken up and read a second time.

A bill to be entitled "an act to define the boundaries of Matagorda county, was taken up and read first time.

Mr. Bogart moved that the bill be passed to a third reading.

Mr. Potter moved that the bill be referred to the committee on the Judiciary.

Motion carried and reference made.

A bill to be entitled "an act to establish a State Penitentiary," together with a report thereon from the committee on the Penitentiary:

Were taken up and read.

Mr. Miller of Houston moved to amend the bill as follows:

Strike out of the first section the words, "one or more not exceeding."

Amendment adopted.

Mr. Fields moved to amend by inserting at the end of the 1st section, "provided, that the said Penitentiary be located within ten miles of the Trinity river."

Amendment rejected.

Mr. Miller of Houston moved to amend by striking out of

the third section the word "recorders," and inserting the words "County Clerks."

Amendment rejected.

Mr. Miller of Houston offered the following as an additional section of the bill.

The commissioners created by this act to locate the site for the Penitentiary shall subscribe an oath, faithfully and impartially to discharge the duties imposed upon them by this act.

Amendment rejected.

Mr. Bogart called for the previous question.

Mr. Eddy moved that the bill be engrossed.

Question—shall the sense of the House now be taken on main question?

The House decided in the negative.

Mr. Gilliam proposed to amend as follows:

Strike out the word "female," wherever the same or its representative occurs in the bill.

Amendment rejected.

Mr. Haynie moved that the bill be read by sections.

Motion lost.

Mr. Cunningham offered the following as an amendment.

Strike out of the 1st section the words, "to be convenient to navigable water."

Amendment rejected.

Mr. Fields proposed to amend the bill as follows:

Be it further enacted, That the Governor shall not be authorized to carry this law into effect until there be enough money in the Treasury to pay for the building of said Penitentiary, exclusive of the annual expenses of the Government.

Amendment rejected.

Mr. Miller of Houston moved that the sense of the House be

now taken on Mr. Eddy's motion for the engrossment of the bill.

Motion carried.

Question—Shall the bill now under consideration of the House be engrossed.

The House decided in the affirmative and the bill was ordered to be engrossed.

A bill to be entitled "an act to organize the county of Newton."

Was taken up.

On motion of Mr. Allen,

The House adjourned until to-morrow morning 10 o'clock.

House of Representatives,
City of Austin, Jan. 26, 1846.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names :

Messrs. Speaker, Allen, Armstrong, Bogart, Burroughs, Carothers, Crump, Crutcher, Cunningham, Davis of L., Davis of R., Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Lyons, Miller of C., Miller of H., Moseley, McCown, McNeill, Neal, Pease, Perry, Potter, Rains, Rayner, Renfro, Reagan, Runnels, Saddler, Shannon, Shaw, Sterne Stout, Stuart, Tankersley, Taylor, Truit, Walling, Winkler, Wheeler, White, Willie and Wren.

A quorum present.

On motion,

The reading of the Journal of the preceding day was dispensed with.

Mr. Tankersley introduced the following Preamble and Resolutions:

Whereas, we have learned with deep regret that one of our body, Magnes T. Rodgers, a Representative of Harris county, has been removed from our midst in the prime of life, separated from family and home; and, Whereas, being desirous of sympathizing with his family and numerous friends:

Be it resolved by the House of Representatives, That the House stand adjourned for one day.

Resolved, That we will as a body attend the funeral of the deceased, and wear the usual badge of mourning for thirty days.

Resolved, That the Senate be requested to adjourn for one day and be invited to attend the funeral of the deceased in a body.

Resolved, That a committee of five be appointed to make suitable arrangements for the burial of the deceased.

Resolved, That the Chief Clerk be required to transmit a copy of these resolutions to the family of the deceased.

Preamble and Resolutions read and adopted.

The Chair appointed Messrs. Tankersley, Rayner, McCown, Davis of L., and Potter to make suitable arrangements for the solemnization of the obsequies of the Hon. Magnes T. Rodgers, deceased.

The Speaker then announced the House adjourned as provided in the first of the preceding Resolutions.

House of Representatives,
City of Austin, Jan. 27, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs. Sepeaker, Allen, Armstrong, Bogart, Carothers,

Crump, Crutcher, Cunningham, Davis, of L., Davis, of R., Dooley, Eddy, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Lyons, Moseley, McCown, McNeill, Pease, Perry, Potter, Rayner, Renfro, Reagan, Runnels, Saddler, Shannon, Shaw, Sterne, Stout, Stuart, Tankersley, Taylor, Walling, Winkler, Wheeler, White and Willie.

A quorum being present,

The Journal of the preceding day was read and adopted.

Mr. Reagan presented the petition of James Cropland.

On motion,

The petition was referred to the committee on Public Lands without reading.

Mr. Davis of R., presented the petition of the citizens of Limestone county.

On motion of Mr. Winkler,

The petition was referred to the committee on county boundaries without reading.

On motion of Mr. Robertson,

Leave of absence for a few days was granted to Mr. E. S. C. Robertson, first Assistant Clerk of the House of Representatives.

Mr. Pease, Chairman of the committee on the Judiciary, made the following report:

The committee on the Judiciary to whom was referred a bill to be entitled "an act to repeal the third section of an act to regulate the license and practice of Attorneys and Counsellors at law, approved May the 12th, 1846," have examined the same. The section proposed to be repealed by this bill, provides that any person emigrating to this State from any other State of the Union, with a view to permanently residing here, may be admitted to practice law upon producing a license from any Circuit or District Court, or the Supreme Court of the State from which he emigrated; and also, producing satisfactory evidence of good moral char-

acter. The committee are not aware of any evils that have resulted from the operation of this section; and are of opinion that it ought not to be repealed. They, therefore, have instructed me to return the bill to the House, and recommend that it be laid on the table.

Report received, and together with the bill, laid upon the table to come up with the orders of the day.

Mr. Pease, chairman of the committee on the Judiciary, also reported as follows :

The committee on the Judiciary, to whom was referred "A joint resolution authorizing and requiring the governor to subscribe for three hundred copies of the Reports of the Decisions of the Supreme Court, have examined the same, and a majority of said committee believe the object of the joint resolution to be a good one: but, as the resolution is not sufficiently explicit and makes no provision for the payment of said subscription, they have prepared a substitute, which they have directed me to report to the House, and recommend its adoption.

Report and substitute read, and, together with the original joint resolution, laid upon the table, to come up with the orders of the day.

Mr. Pease, chairman of the committee on the Judiciary, also made the following report :

The committee on the Judiciary, to whom was referred a bill to be entitled "An act to amend the third section of an act to provide for the disposition of the funds received from the United States, approved January the 3d, 1846," have examined the same, and a majority of said committee perceiving no objections to the bill, have directed me to report it back to the House, without amendment.

Report received, and the bill laid upon the table, to come up with the orders of the day.

Mr. Cunningham, one of the committee on the Judiciary made the following report:

The committee on the Judiciary, to whom was referred a bill to be entitled "An act to incorporate the city of Lavaca," have had the same under consideration, and a majority of said committee have instructed me to report the bill back to the House, and recommend its passage, with the following amendments:

Amendment First—

Strike out the second section of the bill, and insert the following substitute:

Section 2. Be it further enacted, That the limits of the said city shall be the boundaries of the league of land upon which the town of Lavaca, laid out by Thomas McConnell, on Lavaca bay, is situated: it being the league of land granted by the Commissioner of De Leon's colony to Vendedis.

Amendment second—

In section the eighth, fourth line, after the word "lots," strike out the words "Exclusive of the improvements thereon."

Report, bill and amendments, was received, and laid upon the table, to come up with the orders of the day.

A message was received from the Senate, through their Secretary, Mr. N. C. Raymond, informing the House of the passage by that body, of a bill to be entitled "An act organizing the militia of Santa Fe."

The committee on the Judiciary made the following report:

The committee on the Judiciary, to whom was referred a bill to be entitled "An act prescribing the rules and regulations under which the pardoning power, vested by the Constitution,

in the Governor, shall hereafter be exercised," have examined the same, and beg leave to report the accompanying bill, to be entitled "An act prescribing in what cases the Governor may remit fines and forfeitures," and recommend that it be adopted as a substitute for the original bill.

Report received, and together with the bill and substitute, laid upon the table, to come up with the orders of the day.

Mr. Stuart, chairman of the committee on Finance, made the following report :

The committee on Finance, to whom was referred the "joint resolution for the relief of J. Harris Catlin," have instructed me to report the same back to the House, and to ask that they be discharged from its further consideration.

The committee have also had under consideration the resolution instructing them to enquire into the expediency of making an appropriation to defray the expenses of the troops called out by the Executive of the State, and have directed me to report that they deem such action on the part of the Legislature, as *inexpedient*, as such claims come properly against the General Government. The committee have considered, also the petition of John and Esther Clark, for compensation for corn and beef furnished the troops of the late Republic of Texas, and are constrained to report the same back to the House, without recommending any appropriation to be made for the benefit of the petitioners, as the large amount of equally meritorious claims outstanding against the government already preclude the possibility of paying all; and there appears to be no good reason for giving preference to this one, over others.

Report received, and, together with the resolutions and petition, laid upon the table, to come up with the orders of the day.

Mr. Stuart, chairman of the committee on Finance, also reported as follows :

The committee on Finance, to whom was referred a "Joint resolution making an appropriation for the payment of the *pro rata* pay due E. W. Moore, Post Captain, commanding the late Texas Navy, under the provisions of an act of the Congress of the late Republic of Texas, approved February 5th, 1840," have had the same under consideration, and respectfully report—That, under the provisions of the act of 1844, an appropriation of sixteen thousand dollars was to have been divided among the officers of the *then* Navy of Texas, in proportion to the amount then due them for services in said Navy, during the years 1842 and 1843—That the amount due to Commodore Moore, was withheld on account of the charge that he was a defaulter to the Government; and the amounts due to several other officers, were also withheld, for the reason that some among the number had absented themselves from the service without leave; and others had been dismissed. The resolutions adopted by the Legislature during its present session, have relieved Com. Moore from the charge of being a defaulter to the Government; and no more serious charges than *absence without leave* appear against any of the other officers; and, as they left the service at a time of great discouragement—when there were no adequate means provided, or at the disposal of the Government, for their support and compensation; and the Government itself had abandoned the hope of sustaining the Navy in commission. The committee perceive no sufficient reason why these officers should be deprived, wholly, of the reward due their prior services and privations. The committee wish, as far as the country is able, to see justice done to all parties; and only regret that the limited resources of the State will not permit the full payment of all demands of this character. The appropriation of sixteen thousand dollars, made in 1844, was divided among the officers, some of whom did not continue in actual service as long as others who received nothing out of that amount; and whose claims from all that now appears, were of no stronger character. The committee regarding it as just and proper, not only to make such an appropriation as may be met without embarrassment to the State, for the benefit of Com. Moore, but to award to all others similarly situated, the same degree of justice, have instructed the chairman to report back to the House, the bill referred to them, with the accompanying substitute for the same, embracing such other offi-

cers as may be debarred from the benefit of the act of 1844. All of which is respectfully submitted.

Report received, and, together with the bill and substitute, laid upon the table, to come up with the orders of the day.

Mr. Stuart, chairman of the committee on Finance, also made the following report :

The committee on Finance, to whom was referred a bill to be entitled "An act to authorize a special tax to be levied upon the citizens of Harris county," have had the same under consideration, and, seeing no objection to its passage, report the same back to the House, with the amendments which follow :

Strike out the word "Commissioners," and insert "Court," in the second and third lines of the section, after the word "County;" also, in the fourth line of the second section.

Mr. Stuart, chairman of the committee on Finance, also reported as follows :

The committee on Finance, to whom was referred a bill to be entitled "An act to authorize the corporate authorities of the several incorporated towns and cities in this State, to levy and collect a direct tax." have had the same under consideration, and have directed me to report the bill back to the House, and to recommend its passage.

Reports received, and, together with the bills and amendments, laid upon the table, to come up with the orders of the day.

Mr. Allen, chairman of the committee on State Affairs, made the following report :

The committee on State Affairs, to whom was referred a bill to be entitled "An act to provide for the exchange of books, maps, charts, &c., have had the same under consideration, and I am instructed to report the bill back to the House, together with the substitute therefor, herewith submitted, and to recommend its adoption and passage.

Report, bill and substitute received, to come up in their regular order.

Mr. Allen, chairman of the committee on State affairs, also, reported as follows:

The committee on State Affairs, to whom was referred a resolution instructing the committee to enquire into the practicability of removing the Indian trading posts further in advance of the white settlements; also,

A bill to be entitled "an act to regulate mills and millers," have, after due investigation of the same, instructed me to report them back to the House, and recommend that they be laid upon the table.

Report received, and, together with the resolution and bill, laid upon the table to come up with the orders of the day.

Mr. Allen, chairman of the committee on State affairs; also, made the following report:

The committee on State affairs, to whom was referred the petition of sundry citizens of Harris county, praying that a law be passed to emancipate a colored woman named Liley, have had the same under consideration, and have instructed me to report the petition back to the House, with a bill for her relief; which is herewith submitted, and recommended to the favorable consideration of the House.

Report received, and the
Bill read a first time.

Mr. Allen, chairman of the committee on State affairs; also, reported as follows:

The committee on State affairs, to whom was referred a bill (which originated in the Senate,) to be entitled "an act to prohibit the recovery of money, or any article of value, lost or won on bets or wagers, have instructed me to report the bill back to the House, and to recommend its favorable consideration.

Report received, and the bill laid upon the table to come up with the orders of the day.

Mr. Allen, chairman of the committee on State affairs, also, made the following report:

The committee on State affairs, to whom was referred a "joint resolution instructing our Senators, and requesting our Representatives in the Congress of the United States, to have a law passed for the benefit of the volunteer soldiery of Texas;" have had the same under consideration, and have, unanimously instructed me to report the joint resolution back to the House, with a recommendation that it be passed.

Report received, and the joint resolution laid upon the table, to come up with the orders of the day.

Mr. Reagan, chairman of the committee on public lands, to whom was referred the petition of S. M. Dimond, have had the same under consideration, and have instructed me to report the petition back to the House, and to recommend its reference to the committee on claims and accounts.

The committee have, also, considered the petition of John Vanderworth, accompanied by a "joint resolution, confirming a certificate for one league and labor of land, issued to said Vanderworth, by the board of land commissioners for Austin

county, and have instructed me to report the said joint resolution back to the House, and recommend its passage.

The committee have, also, had under consideration the petition of Jasper Gilbert, and they have instructed me to report the same back to the House, on account of a constitutional question which it involves, and to recommend its reference to the committee on the judiciary.

Report received, and the petitions and joint resolution laid upon the table, to come up with the orders of the day.

Mr. McNeill, chairman of the committee on the Land Office, made the following report:

The committee on the Land Office, to whom was referred the petition of the citizens of the land district of Robertson county, praying for the removal of the land office of said district, to Springfield, in Limestone county, accompanied by a bill, have had the same under consideration, and have instructed me to report, that they can see no reason why the prayer of the petitioners should not be granted; and also, to report a substitute for said bill, and to recommend its passage.

Report received, and together with the bill, laid upon the table to come up with the orders of the day.

Mr. McNeill, chairman of the committee on the Land Office, also, reported as follows:

The committee on the Land Office, to whom was referred a resolution of the House, instructing them to enquire into the expediency of establishing a land office in each county of this State, have considered the same, and a majority of said committee, have instructed me to report the accompanying bill, and to recommend its passage.

Report received, and the
Bill read a first time.

Mr. McNeill, chairman of the committee on the Land Office, also, made the following report:

The committee on the Land Office, to whom was referred the account of Uriah F. Case, Deputy Surveyor of Grimes county, for making a map of said county, in accordance with an act of the State Legislature, approved, May the 11th, 1846, have instructed me to report that they have had the same under consideration, and are of opinion that the act of the Legislature, of the 11th of May, above alluded to, did not contemplate the payment by the State, for such maps; it being made the duty of the Deputy to transcribe such maps, from the original district maps; not only for the benefit of the public, but for their own use. Such maps not being recognized in the land office, cannot be paid for out of the funds appropriated for that purpose. The committee, therefore, recommend that the account be laid upon the table.

Report received, and together with the account, laid upon the table, to come up with the orders of the day.

Mr. Bryan, chairman of the committee on engrossed bills, made the following report:

The committee on engrossed bills, have examined a bill to be entitled "an act to create the county of Hays."

A "joint resolution in behalf of Edward A. Wayman, a resident citizen of the county of Nueces."

A bill to be entitled "an act to create the county of Madena."

A bill to be entitled "an act to create the county of Gillespie."

A bill to be entitled "an act to locate permanently the county seat of De Witt county."

A bill to be entitled "an act to suppress banking."

A bill to be entitled "an act to create the county of Caldwell."

A bill to be entitled "an act concerning the forfeiture of certain neat cattle, hogs and sheep."

A bill to be entitled "an act to establish the county seat of Denton county."

"A bill to be entitled "an act providing for the sale of property belonging to the State of Texas, formerly used by the late government for custom purposes."

A "joint resolution authorizing the Comptroller of Public Accounts to provide a residence in the city of Austin, for the use of the Executive of the State;" and

A bill to be entitled "an act to organize the militia of Newton county."

And find the same correctly engrossed.

Report accepted.

Mr. Allen, chairman of the joint special committee, on the part of the House of Representatives, to whom was referred the petition of Thomas F. McKinney, made the following joint report:

*To the President of the Senate,
and Speaker of the House of Representatives
of the State of Texas:*

Committee Room,
January 24th, 1848.

The joint special committee, to whom was referred the petition of Thos. F. McKinney, have given the same a rigid investigation, and from the papers accompanying the petition, and the records of the Comptroller's office, the following facts are made manifest:

During the years 1835 and 1836, Tho's. F. McKinney and Samuel M. Williams, advanced to the Republic of Texas, about \$99,000, which amount is now audited in favor of McKinney & Williams, as shown by the affidavit of E. Moorehouse acting special auditor of date, Feb. 20th, 1844. That Gail Borden, late collector of the port of Galveston, under the requirements of an act "to regulate the collection of impost duties," passed at a special session of the sixth Congress of the Republic of Texas, and approved, July 23d, 1842, provi-

ding that thereafter, Exchequer Bills should be received by collectors of customs at the current rate at which they were selling in the market. In receiving Exchequer bills, the said Borden required merchants and all other persons to pay them to the Government at a discount, against which they protested and notified him not to pay it over to the Government as they held him responsible for a return of the amount discounted from the face of the bills, and instituted suit against him. That Borden retained for his own indemnity, in case judgment were rendered against him, the amount thus discounted from the face of the Exchequer bills, and deposited the same with McKinney & Williams, who were sureties on his bond given to the Government as collector, for the purpose of paying it over to the parties, to whom it should be adjudged by the courts. That McKinney & Williams, in view of their audited claims against the government, appropriated the amount to their own use, not in bad faith, or with an intention of injuring the government to the value of one cent; but your committee must believe, under the belief, that they had a right to retain it in part payment of their just claims against the government. Suit was commenced in 1844, upon the bond, against Borden and his sureties, McKinney and Williams, in the District Court of Galveston county, but was transferred by change of venue to Harris county, where a judgment was rendered against them on the 21st day of May, 1845, for the sum of \$21,905 42 principal, and \$3,504 84 damages, amounting in all to \$25,410 28, which amount of \$21,905 42 principal, is composed (as will appear from reference to the Comptroller's office) of \$24,816 71 in Exchequer bills, equal in value to \$16,699 67 par funds, and \$2,052 62 charged in account against Gail Borden by the government, making the sum total of \$18,752 31; from which should be deducted \$675 Exchequer bills, which remain in the hands of Tho's. F. McKinney, and were cancelled by said Borden, collector, and worth at the above rates, \$472 51 par value—Gail Borden has also an account, which has been presented to the Secretary of the Treasury, for cash advanced and services rendered while collector, for \$2,519 95 par funds, which account was not allowed, and refused by the Secretary, unless Borden would deliver over the Exchequer bills which he had retained; which account your committee have not investigated, but which, if correct, together with the \$675 in Exchequer bills above referred

to, will reduce the amount of principal, to \$15,759 '86, instead of \$21,905 '42.—From this judgment an appeal was taken, and the suit is now pending in the Supreme court of the State. It appears that Borden, from the institution of the suit up to the present moment never filed an answer, and may be regarded as a purely nominal party—Tho's F. McKinney alone defended, and at the trial of the case in the Harris District court, offered by way of plea, the audited liabilities of the Government as an offset against the judgment; but the plea was overruled. It will be perceived upon an examination of the Comptroller's office, that McKinney and Williams have never been paid by the Government, any portion of their advances, and that a large amount is yet due them, viz: \$66,500 exclusive of interest, the balance having been transferred by them to other parties, and necessarily at a great loss to them. The petition of McKinney simply asks, that he be allowed to liquidate the amount of the judgment, say, \$25,410 '28, with an equal amount of said claims, which have been received by him as cash, for par funds advanced to the government.

It will be recollected that when McKinney & Williams made these advances to the Government, the temporary authorities could scarcely maintain the national position which had been assumed; that the credit of the Government abroad was not sufficiently firm to procure the supplies which were of absolute necessity for the public defence. In this, the *hour of adversity*, application was made to McKinney & Williams for aid in money, in order to sustain the army in the field, to which they responded with a liberality and in a manner, which must forever stand as a monument of their generosity and ardent patriotism. Your committee are advised, that McKinney & Williams have never received of the Government any paper below par; that although many years have elapsed since they came to the aid of the Government at a sacrifice of their own interest, they remain unpaid; that they did not assist the Government in one particular instance, but continued to sustain its credit until the perfect organization of the Republic of Texas, in 1836. Your committee are also aware, that had the judgment been rendered against McKinney & Williams *alone as sureties*, they would have been authorized by the laws of the United States to plead the offset which they now pray for.

The interposition of Gail Borden as principal on the bond, although, as the facts of the case clearly demonstrate, a *nominal*

party, has excluded them from a privilege which is justly due them. This particular case, presents prominently and equity, which calls irresistably for legislative action—not to grant McKinney & Williams any peculiar privilege above their fellow-citizens, but an equity, which asks, that they be allowed to pay a debt due to the State, with an equal portion of the many thousands, which they advanced to the late Republic in the hour of need and trial, and for which, owing to the embarrassed condition of the country, they have never asked with the least semblance of importunity. In view, therefore, of all the circumstances which surround and characterize the application now under the consideration of your committee, as one presenting strong peculiar equity. The condition of Texas, when your petitioners advanced the large amount still due, and unpaid, for the support and sustainment of their country, without credit abroad, and with its energies paralyzed and its resources exhausted. That McKinney & Williams were sued jointly with Gail Borden on his bond as collector, and were equally bound for the amount to the State—that in appropriating the Exchequer Bills placed in their hands by Borden, the State sustained no injury, and they did it with no bad design. Your committee, believing that each application of a similar character, should be based upon, and be investigated with reference to its *characteristic* merit, and the equity which may be made apparent; and feeling apprehensive, that a general law might in *some instances* be abused, have prepared a special Bill, which is herewith submitted; and, inasmuch as it is believed that the relief asked by Thos. F. McKinney, when his important services are recollected, should be granted—recommend that it be passed.

J. L. ALLEN, Chairman,
on part of the House.

R. BACHE, Chairman,
on part of the Senate.

Mr. Robertson, chairman of the special committee, of the House of Representatives, appointed to ascertain the amount of the public debt as far as practicable, made the following report:

Committee Room,
Jan. 24th, 1848.

*To the Hon. Speaker
of the House of Representatives :*

The special committee, to whom was referred a resolution instructing said committee to ascertain as far as practicable, the amount of the public debt, and instructing said committee to report to the House, some plan for the liquidation of the same at as early a day as practicable, which committee was subsequently instructed by the House, to act as a joint committee, with a like committee appointed by the Senate,

Have the honor to report, that they have met and conferred fully and freely with the committee of the Hon. Senate, and have been unable to agree with said committee. Your committee have, consequently, endeavored to give the subject that close and careful investigation, that the importance of the subject seemed to demand at their hands ; and in the investigation, they have availed themselves of all the data within their reach, to enable them to arrive at just conclusions.

Your committee would here remark, that it is, in their opinion, impossible to adopt any rule for the graduation of the liabilities of the late Republic, without doing a seeming injustice to some few individuals. and, while your committee would fully endorse the sentiment, that "to the citizen who has contributed both his personal service, as well as his pecuniary means, to the support of his country in its hour of peril, that it is the duty of that country, to redeem, as far as it is in its power, its pledges to the fullest extent of that citizen. But, in a country like ours, it becomes necessary, before we can judge properly on this subject, to review in a brief manner, the condition of the country and its citizens, at the various periods of the contraction of these liabilities ; and, that a review will present to the observer, a country without means, struggling for a national existence against an accumulation of difficulties and pecuniary embarrassments never before seen, in the history of the national world, in which struggle all its citizens came forward with a noble emulation, and vied with each other in sacrifices of pecuniary means, as well as personal comfort, for the good of their common country. And your committee taking this view of the

subject, are clearly of opinion that any attempt to repay those citizens in a pecuniary way for their sacrifices would be utterly futile. From the fact that it was a kind of service, that money cannot pay for, but the reward of its citizens must depend in a great degree, in the grateful remembrance and perpetuated gratitude of that country;—for where all contributed their mite to their country's wants in its hour of need, all are equally entitled, and will receive that country's gratitude, as well as the admiration of the entire civilized world. From these considerations, your committee have discarded the idea of even attempting to do all justice in a pecuniary way. But they would remark, that in the investigation of the subject, they have endeavored to adopt such a scale of graduation, as will operate as fairly and as little to the injury of the actual citizen, as it was possible for them to adopt.

Your committee are fully of opinion, that of the audited evidences of indebtedness, not one hundredth part are now in the hands of those to whom it was originally paid out to by the Government, but has been in circulation throughout the State; and further, that it is probable that nine-tenths of the liabilities have found their way out of the State, and have been in circulation in other States, subject to the caprice of Brokers and others, whose profession is to take advantage of the necessities and misfortunes of individuals, as well as nations at various rates of discount. Your committee are, therefore, clearly of opinion, that to graduate our liabilities under these circumstances, will violate no principle of moral rectitude; but on the contrary, is dictated by the soundest principles of justice, as well as to the citizen of the country, as to the creditor.

Your committee have had the report of the Comptroller of the State before them, and as the investigation has led the committee to conclusions, differing somewhat from that able officer, it may be considered proper that we notice that difference. The first item of difference, will be noticed in the amount allowed by your committee, to James Hamilton. As the purchase money for the steamer Zavalla, your committee find on our statute books, a law passed on this subject, which act was approved on the 10th of January, 1839, by which act, the contract of Burnly & Williams, as agents of the Government was ratified, they having given the sum of one hundred and twenty thousand dollars, for the steamer, and they are unwilling to allow a larger amount than that named in the

above recited act, with interest on the same. From that date, which makes the amount given for that vessel, with interest on the same, up to the 10th day of January, 1848, three hundred and twenty-eight thousand dollars. It will be perceived by reference to the graduation of the debt by your committee, that they have adopted a lower scale than that of the Comptroller; and in support of that lower scale, they have only to refer to the reasons given above, in regard to the condition of our liabilities, and the fact, that we think it is a truth, now almost universally acknowledged, that the funds named in the graduation, are fully as high as they have been worth to any of its present holders. There is another difference between your committee and the Comptroller; and that is in regard to interest on the promissory notes, that was not intended to draw interest, when they was issued. Your committee cannot consent to allow interest on those notes, as the holders or receivers had no right to, and consequently, could not have expected interest on them. They were issued under the provisions of a law, which expressly stated, that they should not draw interest.

There is one claim, that your committee have not taken into consideration; and that is the claim of F. Dawson and others, which claim is for the payment of said Dawson and others, for certain naval vessels furnished the late Republic of Texas; and your committee have not considered this claim, from the fact, that the very identical vessels were, by the consummation of the act of annexation of our government to that of the United States, transferred to the federal government; and as the federal government, through its accredited agents, at various times, during the negotiation between the two governments, which brought about the final admission of our government, into the Federal Union assured our government, that on all subjects of settlement between the two, after the ratification and consummation of annexation, even handed justice should be meted out to our government and its citizens; and your committee, feel a full assurance, that that pledge will be redeemed, in which belief, they are confirmed by the action of the Senate of the United States at its last session. As a committee of that body, reported favorably on the claim above referred to, and they are of opinion, that the bill would have passed, had it not been reported at so late a period of the session, that it could not be reached, before the adjourn-

ment. Should, however, the Federal Government fail to render us justice in this matter, by refusing to pay for those vessels, which has been handed over by Texas, to add to the number and efficiency of the national navy, the amount of that claim will be added to the amount of our liabilities.

Your committee therefore submit, for the consideration of the House, the accompanying graduation of our liabilities; and in compliance with the requisition of the resolution under which your committee was raised, they herewith present a bill, for the liquidation of the said debt. In conclusion, your committee believe that they cannot urge the necessity of prompt action in this matter in too strong terms, as they cannot but believe, that delay on the subject, would be suicidal to the best interest of the State; from the fact, that the interest alone, on our liabilities, amount to near a million and a half of dollars per annum, all of which is respectfully submitted.

J. B. ROBERTSON,
Chairman.

Probable average rate at which the outstanding Liabilities of the late Republic of Texas should be redeemed.

OSTENSABLE OR FACE VALUE	EQUIVALENT OR REAL VALUE
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FIRST CLASS.

Amount borrowed from United States Bank, with interest on the same up to the first day of January, 1848.	1,073,054 90	1,073,054 90
Amount agreed on as the purchase money of the Steamer Zavalla, with interest on the same up to the 10th day of January, 1848,	132,000 00	132,000 00

SECOND CLASS.

Value the amount under this head at 30 cents. on the dollar.

Amount of Drafts issued in 1835 and '36,	80,000 00	24,000 00
Amount of ten per cent, consolidated stock of June 7th, 1837, including interest on the same, except the amount accounted for above,	1,352,291 93	338,072 98

THIRD CLASS.

The debts under this head are valued at 20 cents on the dollar.

Amount in circulation of the ten per cent. stock created by act of Feb. 5th, 1840, for the redemption of Treasury notes and audited paper, including interest,	1,482,204 00	286,440 80
Amount of eight per cent. stock in circulation, created by same act, including interest.	35,948 00	7,189 60

FOURTH CLASS.

The debts under this head are valued at 12 1-2 cents on the dollar.

Amount of audited Drafts in circulation, deducting the amount accounted for above,	187,384 40	23,423 05
Amount of Treasury notes in circulation, including interest,	2,599,141 00	324,892 62
Amount of eight per cent. Bonds in circulation, including interest,	1,263,288 80	157,911 00
	<u>\$8,155,313 03</u>	<u>\$2,336,984 95</u>

Probable amount of unaudited claims of all kinds, of which no graduation has been attempted, but it is believed that on a just principle of graduation, will be reduced from one half to two thirds below the amount here given,

\$1,060,000 00

J. B. ROBERTSON,
Chairman.

Mr. Crump in the chair.

Mr. Miller of Houston, chairman of the committee appointed to act in conjunction with a like committee on the Senate in relation to a "joint resolution instructing our Senators and requesting our Representatives in the Congress of the United States to procure the passage of a law establishing two districts for the United States' Court, in the State of Texas."

And, also, the substitute of the House therefor, made the following report:

The committee have instructed me to report that they have had the joint resolution and substitute, which were referred to them, conjointly with a like committee on the part of the Senate, under consideration, and have freely conferred with the Senate's committee, as to the points of disagreement; and being unable to agree, recommend that the House adhere to its substitute.

Report received, and together with the joint resolution and substitute, laid upon the table, to come up with the orders of the day.

Mr. Keenan introduced a bill to be entitled "An act to author-

ize guardians to remove the property of their wards to any other State in the United States."

Bill read a first time.

Mr. Tankersley introduced a bill to be entitled "An act to require all Mayors and Recorders of incorporated towns and cities, to call a jury in the trial of causes where the accused is subject, under the law, to fine or imprisonment, or either."

Bill read a first time.

Mr. Edwards introduced a bill to be entitled "An act to incorporate the town of San Augustine."

Bill read a first time.

Mr. Moseley introduced a bill to be entitled "An act incorporating Cass Academy."

Bill read a first time.

Mr. Fields introduced the following resolutions :

Resolved, That the committee on the Judiciary be instructed to enquire into the propriety of enacting *one* general law for the incorporation of all towns and cities, not now incorporated; said law to go into effect, in and for, any such towns and cities whenever the citizens thereof may choose to organize under it.

Be it further resolved, That the said committee also enquire into the propriety of passing a general law for the incorporation of Colleges and Academies.

Resolutions adopted.

Mr. Eddy introduced the following resolution :

Resolved, That, with the concurrence of the Senate, the Legislature will adjourn *sine die* on the 20th of February ensuing.

Resolution read, a first time.

Mr. Davis, of Robertson, introduced the following resolution;

Resolved, That the committee on the Land Office be required to report to the House of Representatives, on to-morrow

morning, the result of their investigation of the affairs and management of the General Land Office.

Resolution rejected.

Mr. Henderson moved that the bill to be entitled "An act regulating elections," be taken up.

Motion carried.

Mr. Rayner moved that a call of the House be made.

Motion carried.

Mr. McCown moved that Mr. Keenan be excused from answering to the call of his name, in consequence of the indisposition of that gentleman.

Excuse accepted.

On motion of Mr. Taylor, Mr. Goode was excused from answering to the call of his name.

On motion of Mr. Rayner,

Mr. Railey was excused from answering to the call of his name.

Mr. Stout moved that Mr. Epperson be excused from answer to the call of his name.

Motion carried.

Mr. Willie moved that Mr. Miller, of Houston, be excused from answering to the call of his name.

Motion lost.

The roll having been called, a quorum was found to be present.

Mr. Gilliam moved that the call be suspended.

Motion carried.

The substitute offered by Mr. Tankersley, was then taken up and read.

Question—shall the substitute offered by the gentleman from Harris, for the bill now under consideration of the House, be adopted?

The yeas and nays were called on the adoption of the substitute, and stood as follows:

Yeas—Messrs. Bogart, Burroughs, Bryan, Crutcher, Davis of L., Davis of R., Dooley, Edwards, Gilliam, Hardeman, Lyons, Miller of C., McNeill, Neal, Pease, Rains, Renfro, Tankersley, Taylor, Truitt, Walling, Wheeler and White—23.

Nays—Messrs. Allen, Bourland, Carothers, Crump, Cunningham, Epperson, Fields, Haynie, Miller of H., Moseley, McCown, Perry, Potter, Rayner, Reagan, Runnels, Shannon, Shaw, Sterne, Stout, Stuart, Winkler, Willie and Wren—24.

Substitutue rejected.

Mr. Fields offered a substitute for the eleventh section of the bill.

Substitute read and reiectected.

Mr. Taylor moved to strike out the eleventh section of the bill.

The yeas and nays were called on Mr. Taylor's motion, and stood thus :

Yeas—Messrs. Bogart, Burroughs, Bryan, Davis of L., Davis of R., Dooley, Edwards, Fields, Gilliam, Hardeman, Lyons, Miller of C., McNeill, Neal, Pease, Rains, Renfro, Sterne, Tankersley, Taylor, Truitt, Walling, Wheeler and White—24.

Nays—Messrs. Speaker, Allen, Bourland, Carothers, Crump, Crutcher, Cunningham, Epperson, Haynie, Miller of H., Moseley, McCown, Perry, Potter, Rayner, Reagan, Runnels, Shannon, Shaw, Stout, Stuart, Winkler and Wren—24.

Motion lost.

Mr. McNeill moved to strike out that portion of the eleventh section of the bill which provides for numbering the tickets.

Mr. Pease moved that a call of the House be made.

Motion carried.

On motion of Mr. Burroughs,

Mr. Eddy was excused from answering to the call of his name.

Mr. Crutcher moved that the call of the House be suspended.

Motion lost.

Mr. Stuart moved that the House adjourn until 3 o'clock, p. m.

Mr. Moseley moved to amend the motion, by inserting "tomorrow morning, 10 o'clock.

Motion lost.

Question—shall the House now adjourn until 3 o'clock, p. m.?
The House decided in the negative.

Mr. Henderson moved that the House adjourn until 2 o'clock p. m.

Motion lost.

Mr. Neal moved that the House adjourn until thirty-five and a half minutes after 2 o'clock, p. m.

Motion lost.

Mr. Allen moved that the House adjourn until to-morrow morning, 10 o'clock.

Motion lost.

Mr. Miller, of H., moved that the call of the House be suspended.

Motion lost.

On motion of Mr. Carothers,
The House adjourned until to-morrow morning, half-past 9 o'clock.

Question pending on Mr. McNeill's motion to strike out, &c.

House of Representatives,
Austin, Jan 28th, 1848.

The House met, pursuant to adjournment.

The roll was called,

And the following members answered to their names :
Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Carothers, Crump, Crutcher, Cunningham, Da-

vis of L., Davis of R., Dooley, Edwards, Epperson, Fields, Giliam, Hardeman, Haynie, Lyons, Miller of H., Moseley, McCown, McNeill, Pease, Perry, Rayner, Renfro, Railey, Runnels, Saddler, Shannon, Shaw, Sterne, Stout, Stuart, Tankersley, Taylor, Truitt, Walling, Winkler, Wheeler, White, Willie and Wren.

A quorum being present.

The Journal of the preceding day was read and adopted.

Mr. Runnels moved that the pending call of the House be suspended.

Motion carried.

Mr. Tankersley moved that the House proceed to the regular orders of the day.

Motion carried.

Question—shall that portion of the eleventh section of the bill which provides for numbering the tickets, be stricken out?

The House decided in the affirmative.

Mr. Tankersley offered a substitute for the eleventh section of the bill.

A message was received from the Senate, informing the House of the passage of the following bills, by that body:

A bill to be entitled "An act to legitimate Mary Malicia Stalcup, and render her capable of taking, by descent, the estate or estates of her parents, Rhessa Green Stalcup and Mary Ann Stalcup;"

A bill to be entitled "An act to change the name of Thomas Harvey, to Thomas Harvey Forrester;" and

A bill to be entitled 'An act to legalize the marriage of Rhessa green Stalcup and Mary Ann Miller."

Mr. Moseley moved to re-commit the bill under consideration of the House, to the committee on Privileges and Elections.

Motion lost.

Question—shall the substitute offered by the gentleman from Harris, for the eleventh section of the bill, be adopted?

The yeas and nays, were called on the adoption of the bill, and stood as follows:

Yeas—Messrs. Speaker, Armstrong, Bogart, Burroughs, Bryan, Crump, Davis of L., Davis of R., Eddy, Edwards, Gilliam, Haynie, Keenan, Miller of C., Miller of H., McNeill, Neal, Pease, Rains, Renfro, Reagan, Saddler, Tankersley, Taylor, Webb and Wheeler—26.

Nays—Messrs. Allen, Bourland, Carothers, Crutcher, Dooley, Epperson, Fields, Hardeman, Lyons, Moseley, McCown, Perry, Potter, Rayner, Robertson, Railey, Runnels, Shannon, Shaw, Sterne, Stout, Stuart, Truit, Walling, Winkler, White, Willie and Wren—28.

Substitute rejected.

Mr. Runnels moved to amend as follows:

“Provided, That if there should be two or more tickets found rolled up together, upon the counting of the votes, or if any ticket shall contain the names of more persons than the voter had a right to vote for, the same shall be adjudged void, and not counted.

Amendment adopted.

Mr. McCown offered the following as an amendment:

That each voter write his name on his ticket, when voting.

Amendment rejected.

Mr. Sterne proposed to amend the bill as follows:

Strike out all after the words “presiding officer,” in the 12th section of the bill.

Amendment adopted.

Mr. Davis of Robertson, offered the following as an amendment to the bill:

After the word "managers," insert, "or any person who will swear that he recived the returns from the managers; and that the same have not been opened, after he received them."

Amendment rejected.

Mr. Taylor moved that the bill be referred to the committee on privileges and elections.

Mr. McNeill moved to amend the motion as follows:

"With the amendments on the same."

Motion lost.

Mr. Renfro offered the following amendment to the bill:

After the word "dollars," insert "and receive thirty-nine lashes on his bare back."

Amendment adopted.

Mr. Stuart moved to refer the bill to the committee on privileges and elections.

Mr. Rayner moved that the House reconsider the vote just taken on the amendment by Mr. Renfro.

Motion carried.

Question—Shall the amendment to the bill, proposed by the gentleman from Sabine, be adopted by this House?

The yeas and nays were called on the adoption of the amendment, and stood as follows:

Yeas—Messrs. Burroughs, Eddy, Edwards, Epperson, Miller of C., McCown, Neal, Renfro, Railey, Saddler, Shaw, Stuart, Tankersley, White and Willie—16.

Nays—Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Bryan, Carothers, Crump, Crutcher, Davis of L., Davis

of R., Dooley, Fields, Gilliam, Hardeman, Haynie, Keenan, Lyons, Moseley, McNeill, Pease, Perry, Potter, Rains, Rayner, Reagan, Roberson, Runnels, Shannon, Sterne, Stout, Taylor, Truit, Webb, Walling, Winkler, Wheeler and Wren 38.—

Amendment rejected.

Mr. Moseley offered the following as an amendment to the bill:

“Any person voting, not authorized to vote in any election, upon conviction thereof, shall be imprisoned in the State Penitentiary three years; and, forever after be incable of exercising the right of suffrage, or holding any office in this State.”

Amendment rejected.

Mr. Gilliam offered the following amendment to Mr. Moseley's amendment:

“Provided, That the penalties of this section shall not extend to the citizens of Red River county.”

Amendment rejected.

Mr. Willie moved that the bill and amendments be referred to the committee on privileges and elections, and that said committee be instructed to insert a provision in said bill, providing for the purging of the polls.

Motion lost.

Mr. McCown moved that a call of the House be made.

Motion lost.

Mr. Crutcher moved that the bill be read through without any other amendments.

Motion carried.

Mr. Crutcher then moved to recommit the bill to the committee on privileges and elections.

Motion lost.

Mr. Hardeman moved to amend the bill as follows:

After the words "same day," in the 13th section, insert "or give an illegal vote."

Amendment adopted.

Mr. Allen moved that the bill be engrossed.

The yeas and nays were called on the engrossment of the bill and stood thus:

Yeas—Messrs. Speaker, Allen, Armstrong, Bourland, Carothers, Crutcher, Davis of L. Dooley, Edwards, Epperson, Fields, Gilliam, Hardeman, Haynie, Keenan, Lyons, Miller of Colorado, Moseley, McNeill, Neal, Perry, Potter, Rains, Rayner, Reagan, Robertson, Railey, Runnels, Shannon, Shaw, Sterne, Stout, Stuart, Taylor, Truit, Walling Winkler, Wheeler, White and Wren—40.

Nays—Messrs. Bogart, Burroughs, Bryan, Crump, Davis of R., Eddy, Miller of Houston, McCown, Pease, Renfro, Tankersley and Willie—12.

Motion carried, and
The bill ordered to be engrossed.

On motion of Mr. Stuart,
The House proceeded to the orders of the day.

A bill to be entitled "an act for the establishment of free public schools,"

Was taken up, and
Read a second time.

Mr. Bryan offered the following as amendments to the bill:

In section 1st, insert after the words "school district," "which shall be under the supervision and direction of the County Court."

Amendment adopted.

Mr. Burroughs moved that the bill be read by sections.

Motion carried.

Mr. Bryan offered the following as an amendment to the bill:

In section 2d, insert after the word "taxation," "set aside by the constitution, as a perpetual school fund."

Amendment adopted.

Mr. McNeill offered the following as an amendment to the bill:

Strike out from the word "the," in the 3d line of the 2d section, to the word "within," in the fourth line, and insert instead thereof, "number of schools."

On motion of Mr. Stuart,

The House resolved itself into a committee of the whole.

Mr. Stuart was called to the chair.

A message was received from the Senate, informing the House that a bill to be entitled "an act for the incorporation of the city of Laredo," with amendments, had been passed by that body.

Mr. Rayner moved that the committee of the whole, rise, report, progress and ask leave to sit again.

Motion carried.

Mr. Stuart, chairman of the committee of the whole, then made his report.

Mr. Winkler moved that the bill just received from the Senate, be taken up.

Motion carried.

The bill and amendments were then taken up.

Amendments read and concurred in.

The chair announced a communication from Gen. Mirabeau B. Lamar, tendering his resignation as a member of the Legislature.

Mr. Willie moved that the communication be spread upon the journals.

Austin, January 28th, 1848.

*To the Hon. James W. Henderson,
Speaker of the House of Representatives:*

SIR:—I beg leave to tender my resignation, as a member of the present Legislature, from the late county of Nueces.

(Signed) M. B. LAMAR.

Mr. Fields, chairman of the committee on printing, made the following report:

The committee on public printing, to whom was referred a resolution from the Senate, proposing to go into the election of public printer, and requesting bids for the printing; have had the subject under consideration, and have instructed me to report the accompanying bill, and to recommend its passage. The committee have also instructed me to report the resolution herewith submitted, proposing a day for the election of public printer, to the present Legislature, and respectfully to ask its adoption by the House.

Report received;

Bill read a first time, and the resolution read and laid upon the table.

Mr. Stuart moved to insert "folding and stitching."

Motion carried.

Mr. Bourland moved to postpone the election until Monday the 7th of February next.

Mr. Lyons, by leave, introduced a joint resolution, relative to the right of the State of Texas to jurisdiction over the soil included within the limits thereof.

Joint resolution read a first time.

Mr. McNeill introduced the following resolution:

Be it resolved, That the House with the concurrence of the Senate, go into the election of District Attorneys, for the 1st, 2d, 3d and 7th judicial districts on Monday the 31st day of January, inst.

Mr. Stout moved to amend the resolution by adding the 8th judicial district.

On motion,

The resolution and amendment were ordered to lie on the table one day for consideration.

Mr. Burroughs, chairman of the committee on enrolled bills, made the following report:

The committee on enrolled bills have examined the following:

"An act prescribing the proof necessary for the heirs and legal representatives of those who fell under the command of Travis, Fannin, Grant and Johnson, to obtain their head-right certificates."

"An act to create the county of Webb."

"A joint resolution, requesting our Senators and Representatives in the Congress of the United States, to procure the passage of a law, to compel the Judge of the District Court of the United States, for the District of Texas, to reside permanently in his district."

"An act for the relief of Isaac Van Zandt."

"An act to incorporate Fire Insurance Company, No. 1, City of Houston;" and

"An act removing the disability of minority from W. Steen."

All of which were found to be correctly enrolled; and having been signed by the Speaker of the House of Representatives, and the President of the Senate, were this day presented to his Excellency, the Governor, for his approval.

Report accepted.

Mr. Stout presented the petition of the citizens of Titus county.

And, also, the petition of the citizens of Upsbur county.

On motion,

The petitions were referred to the committee on county boundaries without reading.

Mr. Crutcher moved that the House adjourn until 7 o'clock, p. m.

Motion lost.

Mr. McCown moved that the House adjourn until 10 o'clock to-morrow morning.

Motion lost.

Mr. Carothers chairman of the committee on county boundaries made the following report:

The committee on county boundaries to whom was referred the petition of the citizens of Grimes county, praying that their county seat be located by enactment of the Legislature; and, also, remonstrances from a portion of the citizens of the same county: against said county seat being located by an act of the Legislature; and praying that the question of locating their county seat be left to themselves. The committee find the last mentioned petitioners to be the most numerous; they have, therefore, instructed me to report to the House the accompanying bill, and, most respectfully to recommend its passage.

Report received.

On motion of Mr. Winkler,

The bill was read a first time by its caption.

Mr. Davis of R., moved that the House adjourn until 6 o'clock, p. m.

Motion lost.

On motion of Mr. Stuart, the House adjourned until 3 o'clock, p. m.

3 o'clock, p. m.

The House met pursuant to adjournment.

The Roll was called,

And a quorum found present.

Mr. Cunningham moved that the House resolve itself into a committee of the whole, on the bill for the establishment of Free Public Schools in the several counties of this State.

Motion lost.

A bill to be entitled "an act for the relief of the heirs of Jeremiah Bowlin," was taken up,

Read a third time and passed.

A bill to be entitled "an act to exempt certain property from taxation; designed and used for the purposes of public worship and education," was taken up; and

Read a third time.

The yeas and nays were called on the final passage of the bill, and stood as follows:

Yeas—Messrs. Speaker, Bourland, Burroughs, Bryan, Crump, Crutcher, Davis of R., Dooley, Eddy, Edwards, Epperson, Gilliam, Haynie, Miller of H., Moseley, McNeill, Pease, Perry, Potter, Rayner, Reagan, Robertson, Sterne, Stout, Stu-

art, Tankersley, Taylor, Truitt, Walling, Winkler, Willie and Wren—32.

Nays—Messrs. Allen, Armstrong, Carothers, Cunningham, Davis of L., Hardeman, Lyons, Miller of C., Neal, Rains, Runnels, Saddler, Wheeler and White—14.

Bill passed.

A bill to be entitled "an act better defining the southern boundary line of Collin and Denton counties; and the northern boundary line of Dallas and Henderson counties was taken up; and

Read a third time.

Mr. Bourland moved that the bill be laid upon the table.

Motion carried.

Mr. Winkler asked leave to introduce a bill.

The House refused its assent to the request.

A "Joint Resolution instructing our Senators and requesting our Representatives in the Congress of the United States to use their influence to procure the incorporation of the officers of the late Navy of Texas into the Navy of the United States," was taken up:

Read a third time and passed.

A bill to be entitled "an act to fix the time of holding elections for the several State and county officers; and for Representatives to the United States Congress;" was taken up;

Read a third time and passed.

A bill to be entitled "an act for the relief of John Keizer," was taken up.

Read a third time and passed.

A bill to be entitled "an act to exclude fraudulent land certificates from being evidence of title to land; and to prohibit the issuing of legal process upon the same;" was taken up.

Read a third time and passed.

A bill to be entitled "an act to organize the militia of Newton county;" was taken up.

Read a third time and passed.

A bill to be entitled "an act to create the county of Hays;" was taken up.

Mr. Allen moved that the bill be read by its caption.

Motion carried.

The bill was then read a third time by its caption and passed.

A bill to be entitled "an act to suppress banking;" was taken up.

Read a third time and passed.

A bill to be entitled "an act to establish the county seat of Denton county;"

Was taken up.

On motion,

The bill was read a third time by its caption and passed.

A bill to be entitled "an act to create the county of Gillespie."

Was taken up.

Mr. Haynie moved that the bill be read by its caption.

Motion carried.

The bill was then read a third time by its caption and passed.

A "joint resolution in behalf of Edward A. Weyman, a resident citizen of the county of Nueces;"

Was taken up.

Mr. Willie moved that the rule be suspend so that the bill might be amended.

Motion carried.

Mr. Willie moved that the words, "certified copy, which is herewith submitted," be stricken from the bill.

Motion carried.

The bill was then read a third time and passed.

A bill to be entitled "an act to create the county of Medina."

Was taken up.

On motion of Mr. Dooley,

The bill was read a third time and passed.

A bill to be entitled "an act to create the county of Caldwell."

Was taken up.

On motion of Mr. Haynie,

The bill was read a third time and passed.

A bill to be entitled "an act concerning the forfeiture of certain neat cattle, hogs and sheep."

Was taken up.

Read a third time and passed.

A bill to be entitled "an act to locate permanently the seat of justice of DeWitt county."

Was taken up.

On motion,

The bill was read a third time by its caption and passed.

A bill to be entitled "an act to provide for the sale of the property belonging to the State of Texas, formerly used by the late government for custom purposes;"

Was taken up:

Read a third time and passed.

A "Joint Resolution authorizing the Comptroller of Public Accounts to provide a residence in the city of Austin for the use of the Executive of the State."

Was taken up;

Read a third time and passed.

A bill to be entitled "an act to incorporate the Republican Academy."

Was taken up.

On motion,

The bill was read a second time by its caption, and referred to the committee on education.

A bill to be entitled "an act for the punishment of illegal voting, and for other purposes.

Was taken up.

On motion of Mr. Stuart,

The bill was read a second time.

Mr. Neal moved that the bill be referred to the committee on Privileges and elections.

Motion carried and reference made.

A bill to be entitled "an act for the relief of Alfred Briggance."

Was taken up, and read a second time.

Mr. McNeill moved that the bill be referred to the committee on Public Lands.

Motion carried and reference made.

A bill to be entitled "an act authorizing the county Court of Fort Bend county to levy an additional tax."

Was taken up, and

Read a second time.

Mr. Rayner moved that the bill be engrossed.

Motion carried and bill ordered to be engrossed.

A bill to be entitled "an act to authorize Sarah Ann Kelton, wife of Oliver P. Kelton, a lunatic, to make valid conveyances of real estate and negroes," together with the amendments proposed by the committee on the Judiciary, were taken up, and the amendments read and adopted.

Mr. Fields moved the engrossment of the bill.

Motion carried and the bill ordered to be engrossed.

A bill to be entitled "an act to authorize the Comptroller of Public Accounts to issue duplicates for certain Drafts, issued in favor of Charles Shearn."

Was taken up and read a second time.

Mr. Stuart moved the engrossment of the bill.

Motion carried and bill ordered to be engrossed.

Mr. Allen, chairman of the committee on Contingent Expenses, made the following report:

The committee on contingent expenses have examined the account of Messrs. Johnson & Hamilton, amounting to forty eight dollars and nineteen cents, for envelope and engrossing paper, and paper folders, furnished by them for the use of the two Houses of the Legislature; and finding the same correct, recommend that it be paid out of the fund appropriated to defray the contingent expenses of the Legislature.

Report adopted.

A bill to be entitled "an act authorizing the holders of Land certificates to have the same located in more than two surveys."

Was taken up, and read a second time.

Mr. Bogart moved that the bill be referred to the committee on Public Lands.

Motion carried and reference made.

A bill to be entitled "an act to amend an act entitled an act to provide for the publication of the laws of this State," approved May the 13th, A. D. 1846."

Was taken up and read a second time.

Mr. Miller of Houston moved that the bill be referred to the committee on Public Printing.

Motion carried and reference made.

A bill to be entitled "an act requiring the Sheriffs and the Clerks of the several counties of this State to keep their offices at the places of holding the Courts in each county."

Was taken up.

On motion of Mr. Fields,

The bill was read a second time by its caption and referred to the committee on State Affairs.

A bill to be entitled "an act supplementary to an act in relation to writs of error."

Was taken up and read a second time.

Mr. Winkler moved that the bill be referred to the committee on the Judiciary.

Motion carried and reference made.

A bill to be entitled "an act to authorize the Comptroller of Public Accounts to issue certificates of stock in certain cases."

Was taken up and read a second time.

Mr. Stuart moved that the bill be referred to the committee on Finance.

Motion carried and reference made.

A "joint Resolution authorizing and requiring the Comptroller of Public Accounts to examine and settle certain accounts therein mentioned."

Was taken up.

Mr. Stuart moved that the Joint resolution be laid upon the table.

Motion lost.

Mr. Stuart then moved that the Joint Resolution be referred to the committee on Claims and Accounts.

Motion carried, and reference made.

A bill to be entitled "an act to provide for the collection of the taxes for the year 1846."

Was taken up and read a second time.

Mr. Willie moved that the bill be referred to the committee on Finance.

Motion carried, and reference made.

Mr. Crutcher moved that the House adjourn until to-morrow morning, 10 o'clock.

Motion lost.

A bill to be entitled "An act to make an improved charter for Goliad city," was taken up.

On motion of Mr. Stuart,

the bill was read by its caption, and referred to the committee on the Judiciary.

A bill to be entitled "An act requiring the owners of, and claimants to lands, to have their titles, muniments of title, and claims to lands *recorded* in the counties in which such lands are situated," was taken up and read a second time.

Mr. Moseley moved that the bill be referred to the committee on Public Lands.

Motion carried, and reference made.

A bill to be entitled "An act of sequestration," was taken up.

On motion of Mr. Eddy.

The bill was read a second time by its caption, and referred to the committee on the Judiciary.

A bill to be entitled "An act for the emancipation of slaves," was taken up.

On motion of Mr. Eddy,

The bill was read a second time by its caption, and referred to the committee on the Judiciary.

A bill to be entitled "An act to designate the officers and persons who are authorized to celebrate the rites of matrimony," was taken up.

On motion of Mr. Robertson,

The bill was read a second time by its caption, and referred to the committee on the Judiciary.

A bill (from the Senate) to be entitled "An act to provide for vesting in the State escheated property," was taken up and read a first time.

A bill (from the Senate) to be entitled "An act for the relief of Patrick Reels," was taken up and read a first time.

Mr. Davis, of Liberty, moved that the House adjourn until to-morrow morning, 10 o'clock.

A bill (from the Senate) to be entitled "An act to regulate the issuance of certificates for land, to the soldiers of the First Regiment of Infantry, of the late Republic of Texas, or to their heirs or assigns," was taken up.

On motion of Mr. McNeill,

The bill was read a second time by its caption, and referred to the committee on Public Lands.

A bill (from the Senate) to be entitled "An act to define the boundary lines of Matagorda county," was taken up, and read a second time.

Mr. Haynie moved that the bill be referred to the committee on County Boundaries.

Motion carried, and reference made.

A bill (from the Senate) to be entitled "An act to authorise and require the Secretary of State to cause all the unbound enrolled acts and joint resolutions of the late Republic of Texas, and of the first Legislature of the State of Texas, to be substantially bound, for preservation, in his office." was taken up.

On motion of Mr. Epperson,

The bill was read a first time, by its caption, and referred to the committee on State Affairs.

A bill to be entitled "An act to provide for fixing the seat of Justice for the county of Newton," was taken up.

Mr. Eddy moved that the bill be placed among the orders of the day.

Motion carried.

A "Joint resolution (from the Senate) requiring the Attorney General to investigate the condition of the title to the various islands within the limits of Texas; and, if it be expedient, to cause legal proceedings to be instituted against persons claiming the same, adversely to the State," was taken up.

On motion of Mr. Robertson,

The Joint resolution was read a second time, by its caption, and referred to the committee on the Judiciary.

A bill to be entitled "An act appropriating the fines and penalties, accruing to the State by all suits and prosecutions, in which the State is plaintiff, to the payment of the juries and witnesses in State cases; and to the clerks and sheriffs of the

counties in which fines are assessed, forfeitures occur, or suits prosecuted to judgment, in favor of the State," was taken up.

On motion of Mr. Moseley, the bill was read a second time by its caption, and referred to the committee on the Judiciary.

A "Joint resolution reviving the office of Auditor of Public Accounts," was taken up, and read a second time.

Mr. Tankersley moved that the joint resolution be referred to the committee on Finance.

Motion carried, and reference made.

A bill to be entitled "An act to amend an act to incorporate the town of Nacogdoches, and other towns, approved June the 5th, 1847," was taken up.

On motion of Mr. Sterne,

The bill was read a second time, by its caption, and referred to the committee on the Judiciary.

A bill to be entitled "An act fixing the seat of justice of Newton county," having been placed among the orders of the day, was taken up in its regular order.

Mr. Eddy moved to amend the bill by striking out the word "fixing," and inserting "locating."

Motion carried.

On motion of Mr. Eddy,

The bill was then read a third time, by its caption, and passed.

A bill to be entitled "An act, to amend an act, entitled an act, to detect fraudulent land certificates, passed by the fifth Congress of the Republic of Texas," was taken up.

On motion of Mr. McCown,

The bill was read a second time by its caption, and referred to the committee on Public Lands.

Mr. Crutcher moved that the House adjourn until 7 o'clock, p. m.

Motion lost.

On motion of Mr. Dooley,

The House adjourned until 10 o'clock, to-morrow morning.

House of Representatives,
Austin, January 29th, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names :

Messrs. Speaker, Armstrong, Bogart, Bourland, Burroughs, Carothers, Crump, Crutcher, Davis of L., Davis of R., Eddy, Edwards, Epperson, Fields, Gilliam, Hardeman, Haynie, Keenan, Lyons, Miller of C., Miller of H., Moseley, McCown, McNeill, Pease, Perry, Rains, Rayner, Renfro, Reagan, Robertson, Runnels, Shaw, Sterne, Stout, Stuart, Tankersley, Taylor, Truitt, Walling, Winkler, Wheeler, White, Willie and Wren.

A quorum being present,

The Journal of the preceding day was read and adopted.

A message was received from the Senate, informing the House of the passage of the following joint resolution and bills, by that body :

A " Joint resolution requesting the Senators and Representatives of the State of Texas, in the Congress of the United States, to *protest* against the relinquishment of the Mexican Provinces or States, conquered by, and in the possession of the United States ; and also, to *protest* against any law, which shall be intended to prevent the citizens of slave-holding States from taking their property with them, in emigrating to said acquired territory ;

"A bill to be entitled "An act, to repeal the law of the late Republic of Texas, creating a Board of Medical Censors ;"

A bill to be entitled "An act to incorporate and establish Guadalupe College;"

A bill to be entitled "An act to create a lien on domestic vessels, for supplies and materials furnished them, and for repairs and labor done thereon;"

A bill to be entitled "An act to authorize the city of Galveston to appoint firemen; and to exempt the same from militia and jury duty;" and

A bill to be entitled "An act authorizing persons who have received Donation Certificates under the provisions of an act granting land to those who were in the battle of San Jacinto, and other battles, approved December the 21st, 1837, to alienate the said certificates, and the lands acquired under them," with an amendment.

Mr. Haynie presented the petition of Thomas J. Stell.

On motion,

The petition was referred to the committee on Public Lands, without reading.

Mr. Pease presented the petition of the citizens of Velasco.

On motion,

The petition was referred to the committee on State Affairs, without reading.

Mr. Pease, chairman of the committee on the Judiciary, made the following report:

The committee on the Judiciary, to whom was referred a bill to be entitled "An act to incorporate the town of Montgomery," have considered the same, and a majority of said committee have directed me to report the bill back to the House, without amendment.

Report received, and the bill laid upon the table, to come up with the orders of the day.

Mr. Pease, chairman of the committee on the Judiciary, also reported as follows:

The committee on the Judiciary, to whom was referred a bill to be entitled an act regulating attachments;" and also,

A bill to be entitled "An act, to repeal in part, the first and fourth sections of an act, to amend an act, entitled an act, regulating attachments, approved February the 4th, 1841," have examined said bills, and believing that our attachment laws need revision and amendment, they have prepared a bill, to be entitled "An act regulating attachments," which is herewith submitted; and they have directed me to report the same to the House, and recommend that it be adopted, as a substitute for both of the aforesaid bills.

Report received, and the bills laid upon the table, to come up in their regular order.

Mr. Pease, chairman of the committee on the Judiciary, made the following report :

The committee on the Judiciary, to whom was referred a bill to be entitled "An Act relating to special Judges of the Supreme Court," have had the same under consideration, and a majority of said committee have directed me to report the bill back to the House, and to recommend that it be indefinitely postponed.

Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Pease, chairman of the committee on the Judiciary, also reported, as follows :

The committee on the Judiciary, to whom was referred a bill to be entitled "An Act to amend the 3d section of an act providing for the transfer of Records of Administrators to new counties : approved, May 13th, 1846," have had the same under consideration; and a majority of said committee have directed me to report the bill back to the House and to recommend its passage.

Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Armstrong, one of the committee on the Judiciary, reported, as follows :

The committee on the Judiciary, to whom was referred a bill to be entitled "An Act to repeal an act to provide for the issuing of patents to the assignees of good and genuine unconditional head-right land certificates," have had the same under consideration, and submit the accompanying as a substitute for the bill, and request its passage.

Report received, and the bill and substitute laid upon the table, to come up in their regular order.

Mr. Epperson, one of the Judiciary committee, made the following report :

The committee on the Judiciary, to whom was referred the petition of the citizens of Mount Pleasant, in Titus county, praying that the town of Mount Pleasant be incorporated, and have extended to them all the benefits and privileges, and be, in every respect, governed by the provisions of An Act for the incorporation of the town of Marshall, in the county of Harrison, have had the same under consideration, and can see no reason why the prayer of the petitioners should not be granted. The committee have, therefore, instructed me to report the accompanying bill, embracing the object sought to be attained by the petition, and to recommend its passage.

Report received, and the bill read a first time.

Mr. Pease, chairman of the committee on the Judiciary, made the following report :

The committee on the Judiciary, to whom was referred a Joint Resolution for the relief of Robert H. Beale, have considered the same. The Resolution grants to said Beale, one league and a labor of land, in consideration of his having been permanently disabled in the service of the country; and a majority of said committee, perceiving no constitutional objection to the Resolution, have directed me to report the same to the House, and to recommend its passage.

A minority of the committee, consisting of Messrs. Potter, Armstrong and the undersigned, dissent from the report of the majority.

Report received, and the Resolution laid upon the table, to come up in its regular order.

Mr. Robertson, chairman of the committee on Internal Improvements, made the following report :

The committee on Internal Improvements, to whom was referred a bill to be entitled "An Act to amend the 11th section of An Act to incorporate the Brazos Canal Company," have had the same under consideration, and find from facts placed before them, that the Company are now, and have been at work upon the Canal for some time past; and as, in the opinion of your committee, the completion of the work will be of great benefit to that portion of the State where the Canal is situated, as well as of utility to the State at large: they have, therefore, unanimously instructed me to report the bill back to the House, without amendment and to recommend its passage.

Report received, and the bill laid on the table, to come up in its regular order.

Mr. Keenan, chairman of the committee on Education, made the following report :

The committee on Education, to whom was referred a bill to be entitled "An Act to incorporate the Berkley Academy of

Montgomery county," have had the same under consideration, and instruct me to report that they can see no constitutional objection to the bill, and would, therefore, recommend its passage.

They have, also, examined a Resolution instructing them to enquire whether counties in which towns have received donations of land from the State of Coahuila and Texas, are not still entitled to lands, under the laws of the late Republic of Texas, for school purposes. Believing that the Judiciary would be the proper committee for the investigation of the subject, the committee have instructed me to respectfully ask, that they be relieved from its further consideration.

Report received, and the bill laid on the table, to come up in its regular order.

Mr. Crump, chairman of the committee on Military Affairs, made the following report :

The committee on Military Affairs, to whom was referred the petition of Nathaniel R. Mallon, John J. Johnson and J. H. Brown, praying relief for services rendered the late Republic of Texas, have had the same under consideration; and instruct me to make the following report :

The committee after diligent search, were unable to find the names of some of the petitioners on the muster roll of Capt. John Hays, deposited in the Adjutant General's office; they, therefore, conceive it more prudent to pass a general bill for the relief of the Company, than to be at the trouble and expense of passing bills for the relief of the members individually. Several of the members of the Company, have already received compensation for their services which may be seen by reference to the statutes of 1844. In obedience, therefore, to their instructions, I submit the accompanying Resolutions for the consideration of the House, and recommend their passage.

Report received, and the Resolutions laid upon the table to come up in their regular order.

Mr. Reagan, chairman of the committee on Public Lands, made the following report :

The committee on Public Lands, to whom was referred the memorial of Ann Holmes, praying for the confirmation of a certain Land Certificate for one league and labor of land, have had the same under consideration, and have instructed me to report the accompanying bill, and to recommend its passage:

The committee have, also, had under consideration, the petition of H. Bates, praying for land; and have instructed me to report the same back to the House, and to ask that they be discharged from its further consideration, as the necessary evidence of the petitioner's right to land has not been adduced.

The committee have, also, had under consideration, the petition of Wm. C. Beard, praying for a confirmation of his head-right Land Certificate; and they have instructed me to report the same back to the House; and, on account of a constitutional question which it involves, to recommend its reference to the Judiciary committee.

Report received, and the bill for the relief of the widow and heirs at law of James L. Holmes, deceased, read a first time.

Mr. Carothers, chairman of the committee on County Boundaries, made the following report :

The committee on County Boundaries, to whom was referred the petition of the citizens of Limestone county, with an accompanying bill, entitled "An Act to provide for securing the title to purchasers of lots in the town of Springfield, county seat of Limestone county," have had the same under consideration, and instruct me to report the petition and bill back to the House, with the request that they be discharged from further action thereon, as they believe that the consideration of the same more properly belongs to the committee on the Judiciary, to whom the House is most respectfully requested to refer it.

Report received, and the petition and bill laid on the table, to come up in their regular order.

Mr. Allen, chairman of the committee on Contingent Expenses, reported as follows :

The committee on Contingent Expenses, to whom was referred a Resolution instructing them to enquire into the probable expense incurred, for transporting the remains of Major Samuel H. Walker, and Captain R. A. Gillespie, from Houston to the Alamo, respectfully report, that the Fraternity of Odd Fellows paid the expense—*one hundred dollars*—for transporting the remains of Major Walker, from Houston to this city; and that Lamar Moore, at the request of a warm friend of the deceased, had the remains carried to the Alamo, incurring thereby, an expense of *fifty dollars*.

The committee believe that the fraternity above mentioned, do not expect that the *one hundred dollars* advanced by them, should be refunded, inasmuch as they made the appropriation from feelings of kindness and benevolence. There is no evidence within the knowledge of the committee, that any expense was incurred for transporting the remains of the late Capt. R. A. Gillespie to the Alamo.

The committee would respectfully suggest that, Lamar Moore should not lose the fifty dollars advanced by him, and therefore, earnestly recommend that the sum be paid out of the fund appropriated to defray the Contingent Expenses of the Legislature.

Report received, and laid upon the table, to come up in its regular order.

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report :

The committee on Engrossed Bills, have examined a bill to be entitled "An Act supplementary to An Act, entitled An Act to create the county of Smith;" approved, April 11th, 1846.

A bill to be entitled "An Act to create the county of Kaufman," and a

"Joint Resolution relative to the establishment of a line of

Military Posts, from Fort Washita, on Red River, to the Río del Norte," and find the same correctly engrossed.

Report accepted.

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills, have examined a bill to be entitled "An act to incorporate the city of Laredo," and find the same correctly enrolled; and, having been signed by the Speaker of the House of Representatives, and the President of the Senate, was this day presented to His Excellency, the Governor, for his approval.

Report accepted.

Mr. Epperson, chairman of the Select Committee on Apportionment, made the following report:

Committee Room,

January 28th, 1848.

To the HON. J. W. HENDERSON,
Speaker of the House of Representatives:

The select committee on Apportionment, after much deliberation, would recommend that a sliding basis of nine hundred electors be adopted as the basis of Senatorial Districts. The number of qualified electors in the State according to the census returns, is about twenty-two thousand. The proposed basis would then increase the present number of Senators from twenty-one to twenty-five. Although the committee are of opinion that it is not our policy to increase representation in either branch, to any considerable extent; yet they believe that this branch should be increased, or the number in the House decreased. This will much facilitate the fair and equal distribution of Senators among the several counties of the State; ac-

cording to its great natural divisions. Considering the great extent of territory, and the diversity of local interest everywhere to be met with, your committee are of opinion that this number is not too large. Even in adopting this basis, in most cases several counties must be thrown together to make a Senatorial district.

The committee would also recommend that a sliding basis of fifteen hundred and sixty of free whites be entitled to elect one representative. The number of free whites in the State is about one hundred and two thousands. This basis will then make the number of representatives in the House sixty-five, one less than the present number. Your committee admit that this is a large number of representatives for the small population of the State, but it must be remembered this population is scattered sparsely over an immense extent of territory, having many and diverse interests. And to adopt a large basis will throw together several counties to compose one representative district—counties widely differing in local interest would unavoidably be brought together. Were it possible without increasing too much the number of representatives, it would doubtless be best to give to each county a representative; but this cannot be done without increasing the number beyond the constitutional limits. By adopting a very large basis, we practically deprive the smaller counties of Representation, by always putting it in the power of the larger ones to elect the member. To remedy this evil as far as practicable, the committee recommend the sliding basis above mentioned, and think it proper to give to counties which have fractions greater than two-thirds of the basis a representative, especially where the adjoining county or counties have large fractions to spare, and by thus transferring the surplus of the large counties to the lesser ones, give to each natural divisions of the State its appropriate weight in the Legislature. In doing this the committee think it advisable to take into consideration the peculiar local divisions of the State and the situations of the counties. Notwithstanding this rule it will be necessary, in some cases, to throw together several counties to make a representative district, lying adjoining and contiguous to each other, yet entirely dissimilar in local interest. No plan can be devised in apportioning representation, but will be liable to these objections. The committee are of opinion, that the plan they recommend, though in a few cases obnoxious to these objections, is as un-

exceptionable in this respect, as any that at this time can be adopted. And in adopting this, they are satisfied no injustice will be done to any part of the State.

In accordance with these reasons, the committee have instructed me to report the accompanying bill, and recommend its passage. They believe it complies with the requisitions of the Constitution, which makes it the duty of the Legislature of this session to apportion Senators according to the qualified electors, and Representatives according to the number of free whites among the several counties of the State. In adopting any measure of this kind, in which every part of the State is interested, we must be willing to make compromises and mutual concessions. And it is only by doing this that we can hope to pass any apportionment bill whatever.

Your committee would now beg to be discharged, and excused from further consideration of the subject.

B. H. EPPERSON, Chairman.

Mr. Bourland moved that one hundred copies of the bill be printed.

Motion carried.

Mr. Bourland then moved that the bill be made the special order of the day for Thursday next.

Motion carried.

On motion of Mr. Stuart,

The House proceeded to the orders of the day.

Mr. Tankersley moved that the tax bill be taken up.

Motion lost.

A bill to be entitled "An act concerning fraudulent and conditional land titles, derived from the Governments of Spain, Mexico, Coahuila and Texas," was taken up.

On motion of Mr. Cunningham,

The bill was made the special order of the day for Monday next.

A "Joint resolution requesting the Senators and Representatives of Texas, in the Congress of the United States, to *protest* against the relinquishment of the Mexican Provinces, or States, conquered by, and in the possession of, the United States, without indemnity: Also, to *protest* against any law which shall be intended to prevent the citizens of slave-holding States from taking their property with them, in emigrating to said acquired territory," together with amendments from the Senate, were taken up, and the amendments read and concurred in.

A bill to be entitled "An act authorizing persons who have received Donation Certificates, under the provisions of an act granting lands to those who were in the battle of San Jacinto, and other battles, approved December the 20th, 1837, to alienate said certificates, and the land acquired under them," was taken up, together with an amendment from the Senate.

The amendment was read, and the House refused its concurrence.

A bill to be entitled "An act to authorize the city or Galveston to appoint firemen, and to exempt the same from militia and jury duty," together with amendments, proposed by the Senate, were taken up.

The amendments were read, and the House refused its concurrence.

A bill to be entitled "An act, to amend an act, to regulate proceedings in the District Court, approved May the 13th, 1846," was taken up, and read a second time.

On motion of Mr. Miller, of Houston,

The bill was referred to the committee on the Judiciary.

A bill to be entitled "An act concerning cheats and swindlers, and offences against the public trade," was taken up, and read a second time.

On motion of Mr. Robertson,

The bill was referred to the committee on the Judiciary.

A bill to be entitled "An act, to amend an act, to organize the Supreme Court of the State of Texas, approved May the 12th, 1846," was taken up, and read a second time.

On motion of Mr. Reagan,

The bill was referred to the committee on the Judiciary.

"A joint resolution for the relief of William Plucker," was taken up, and read a second time.

A bill to be entitled "An act to authorize the floating of land certificates, in certain cases, together with the report of the committee on Public Lands thereon, were taken up.

Report read and adopted, and the bill ordered to lie on the table.

A bill to be entitled "An act to define the boundaries of Comal county," together with the report of the committee on County Boundaries, thereon, were taken up, and the bill read a second time.

On motion of Mr. Allen,

The bill was referred to the committee on County Boundaries.

A bill to be entitled "An act to create the county of Washita," together with the report of the committee on County Boundaries thereon, were taken up, and the bill read a second time.

Mr. Reagan moved to strike out the word "Washita," and insert the word "Stout."

Mr. Bourland moved a division of the question.

Motion lost.

Mr. Willie moved that the bill and amendment be laid upon the table.

Motion lost.

Mr. Robertson moved that the bill be re-referred to the committee on County Boundaries.

Motion lost.

Mr. Bogart moved to amend the amendment, by inserting before Stout, to word "Bill," so that it may read, as amended, "Bill Stout."

Question—shall the amendment as amended be adopted by this House?

The House decided in the negative.

Mr. Willie moved that the sense of the House be now taken upon the previous question.

Motion lost.

Mr. Haynie moved to strike out "July next," and insert "first Monday in August, 1849."

Mr. Willie moved to amend the amendment by fixing the date at 1848, which was accepted by Mr. Haynie.

Question—shall the amendment as amended be adopted by this House?

The House decided in the affirmative.

Mr. Reagan offered the following as an amendment to the bill:

Provided, That the Governor shall provide a guard of two hundred men, to take his proclamations, ordering an election, to the various Indian villages in said county.

Amendment rejected.

Mr. Cunningham moved to strike out "Washita," and insert "Carnes."

Motion carried.

Mr. Davis, of Robertson, moved to amend as follows:

Sec. 6. Be it further enacted, That the town of Santa Fe shall be the county seat of said county, until otherwise provided for by law.

Amendment adopted.

Mr. Bourland moved that the bill be engrossed.

Mr. Allen moved that the bill be referred to the select committee of which Mr. Neal is chairman.

Motion carried.

A bill to be entitled an act to prohibit the sale or disposal of powder, lead or spirituous liquors to Indians, together with the report of the the committee on the Judiciary thereon, were taken up.

Report read and adopted, and the bill ordered to lie on the table.

A bill to be entitled an act assenting to the purchase by the United States, and ceding to the same jurisdiction, of certain lands in this State, for certain purposes, together with the report of the committee on Federal Relations thereon, were taken up.

Mr. Crump moved that a call of the House be made.

Motion carried.

The roll was called, and a quorum found to be present.

Mr. Eddy moved that the call be suspended.

Motion carried.

Mr. Potter moved that the bill be referred to the committee on the Judiciary.

Motion carried.

A bill to be entitled an act repealing the Bankrupt Law, together with the report of the committee on the Judiciary thereon, were taken up.

Report read and adopted, and the bill ordered to lie on the table.

A bill to be entitled an act to amend the 12th section of the "Act of Limitation," approved February the 5th, 1841, together with the report of the committee on the Judiciary thereon, were taken up.

Report read and adopted, and the bill ordered to lie on the table.

A bill to be entitled an act to incorporate the town of Springfield, together with the report of the committee on the Judiciary thereon, were taken up.

Mr. Moseley moved that the bill be read by its caption.

Motion carried.

Mr. Fields moved that the bill be laid upon the table.

Motion lost.

The bill was then read a second time, by its caption.

Mr. Davis, of R., moved that the bill be engrossed.

Motion carried, and the bill ordered to be engrossed.

A bill to be entitled an act to authorize a special to be collected in the county of Guadalupe, together with the report of the committee on the Judiciary thereon, were taken up.

Report read and adopted.

Mr. Allen moved the engrossment of the bill.

Motion carried, and the bill ordered to be engrossed.

The resolution on the subject of ceding to the General Government the right of jurisdiction over the soil appropriated to the purposes of erecting two light houses on our coast ; and also on the subject of transferring our custom houses, and other places used for the purpose of collecting impost duties, together with the report of the committee on the Judiciary thereon, were taken up.

Report read.

Mr. Willie moved that the report and resolution be laid on the table.

Motion carried.

A bill to be entitled an act to amend the 1st, 2d, and 4th sections of "an act to regulate the license and practice of Attorneys and Counsellors at Law," approved May 12th, 1846, was taken up.

Mr. Sterne moved that the House adjourn until 3 o'clock, p. m.

Mr. Mosely moved to amend the motion by substituting "Monday morning, 10 o'clock," for "3 o'clock, p. m."

Motion carried, and

The House adjourned until Monday morning, 10 o'clock.

Question pending on the bill to amend the 1st, 2d and 4th sections of "an act," &c., &c.

House of Representatives,
Austin, Jan. 31, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs. Sepeaker, Armstrong, Bogart, Bourland, Burroughs, Bryan, Carothers, Crump, Crutcher, Cunningham, Davis, of L., Davis, of R., Eddy, Edwards, Epperson, Fields, Goode, Haynie, Keenan, Lyons, Miller of C., Miller of H., Mosely, McCown, Neal, Perry, Potter, Rains, Rayner, Renfro, Reagan, Robertson, Railey, Saddler, Shaw, Stout, Stuart, Tankersley, Taylor, Truitt, Webb, Walling, Wheeler and White.

A quorum being present,

The Journal of Saturday, the 29th inst., was read and adopted.

Mr. Fields presented the petition of Alexander Wright.

On motion, the petition was referred to the committee on Public Lands, without reading.

Mr. Tankersley presented the petition of D. C. Ogden.

The petition was read, and,

On motion, referred to the committee on Claims and Accounts.

Mr. Stout presented the petition of the citizens of Red River county.

On motion the petition was referred to the committee on Public Lands, without reading.

Mr. Potter presented the petition of sundry citizens of Galveston county, praying for the passage of a law incorporating the Galveston Steam Ferry, Freight and Tow Boat Company.

On motion, the petition was referred to the committee on State Affairs, without reading.

Mr. Robertson presented the memorial of Jabez Dean.

On motion, the memorial was referred to the committee on Finance, without reading.

Mr. Haynie presented the petition of S. L. Johnson.

On motion the petition was referred to the committee on Public Lands, without reading.

Mr. Dooley presented the petition of the German Emigration Company.

On motion, the petition was referred to the committee on State Affairs, without reading.

Mr. Cunningham, one of the committee on the Judiciary, made the following report :

The committee on the Judiciary, to whom was referred a bill to be entitled "an act to make an improved charter for Goliad city," have had the same under consideration, and a majority of said committee have instructed me to report the same back to the House, and to recommend its passage.

Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Allen, one of the committee on the Judiciary, made the following report :

The committee on the Judiciary, to whom was referred a "joint resolution for the relief of Ford & Cronican, Public Printers," together with the report of the committee on Public Printing thereon, have instructed me to report the same back to the House, with the accompanying substitute, the passage of which is respectfully recommended.

Report received, and the joint resolution and substitute laid upon the table, to come up in their regular order.

Mr. Keenan, chairman of the committee on Education, made the following report :

The committee on Education, to whom was referred a bill to be entitled "an act for the benefit of Booksellers," have considered the same, and would respectfully report, that the passage of the bill would tend to promote the diffusion of knowledge, and afford facilities to teachers and schools, for the procurement of uniform text-books, without material injury to the revenues of the State. They would therefore return the bill to the House, and ask for a favorable action thereon.

Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Lyons, chairman of the committee on Roads and Public Highways, made the following report :

The committee on Roads and Public Highways, to whom was referred the petition of the County Court of Washington county, in relation to roads, have had the same under consideration, and have instructed me to report the petition back to the House, and to ask to be discharged from its further consideration.

Report received, and the petition laid upon the table, to come up in its regular order.

Mr. Lyons, chairman of the committee on Roads and Public Highways, also made the following report :

The committee on Roads and Public Highways, to whom was referred a bill to be entitled "an act to regulate Ferries," have had the same under consideration, and have instructed me to report the same back to the House, with an amendment thereto, and to recommend its passage.

Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Lyons, chairman of the committee on Roads and Public Highways, also reported as follows :

The committee on Roads and Public Highways, to whom was referred a bill to be entitled "an act to authorize the Commissioners' Courts of Counties to regulate roads and appoint overseers," have, in accordance with a requirement of the House, had the same under consideration ; and a majority of said committee have instructed me to report the bill back to the House, with sundry amendments thereto, and to recommend its passage, as amended.

Report received, and the bill and amendments laid upon the table, to come up in their regular order.

Mr. Tankersley, chairman of the special committee (on the part of the House,) raised to act in conjunction with a like committee on the part of the Senate, for the purpose of examining into the condition of the offices of the Comptroller of Public Accounts and the Treasurer of the State, made the following report :

*To the Hon. the President of the Senate,
and Speaker of the House of Representatives :*

The special committee raised by the Senate and House of Representatives, for the purpose of examining into the condition of the offices of Comptroller of Public Accounts and Treasurer of the State, having performed the duty imposed upon them, instruct the undersigned to report, that they find said offices to have been conducted in all respects as well as could be desired.

The committee take pleasure in stating, that they examined the condition of the Treasury Department in reference to the biennial reports made by the Comptroller and Treasurer of the State, and find that said reports contain a true and correct statement of the condition of their respective offices. Your committee, with a view to the ascertainment of the amount of

monies outstanding and due the State, from individuals having the collection of impost duties and direct taxes, under the laws of the late Republic of Texas, as also the amount of monies due the State by individuals having the collection of taxes under the laws of the State, requested the Comptroller of Public Accounts to furnish them with a written statement of the names of individuals, having the collection of impost duties under the laws of the late Republic of Texas, and the amount of money by such individuals now due the State, as also the aggregate amount due by individuals having the collection of direct taxes, under the laws of the late Republic of Texas and State of Texas, which statement is herewith submitted to the two Houses of the Legislature for their inspection. They also, herewith submit, to the inspection of the Legislature, a written statement of the Treasurer of the State, showing the amount of money now in the Treasury subject to disbursement.

Your committee cannot close this report without directing the attention of the Legislature to that part of the statement of the Comptroller, which suggests the propriety of the appointment of a fiscal agent, to superintend, receive and transmit, the revenue to the Treasury department, as the same may be collected by the collectors of taxes. The committee, from investigation and consultation with the Comptroller, and fully sensible of the importance of such an officer, and that the present expensive and embarrassing system of transmitting the revenue to the Treasury department, serves in many instances as a pretext to individuals, to withhold the amounts by them collected, from the State, for private purposes, thereby depriving the State of the immediate use of its revenue; whereas, if such an officer existed, the revenue collected by the several collectors of taxes, would be paid over to such officer when called for; this system, your committee are fully persuaded, would greatly facilitate the collection of the revenue,—they believe that the interest of the State requires the aid and assistance of such an officer, and the enactment of a law more effective than any which now exists, compelling officers having the collection of the revenue, to pay the same over as soon as collected; the committee therefore respectfully invite the special attention of the Legislature to this subject.

Having as they believe, fully discharged the duty imposed

upon them, the committee ask to be discharged from the further investigation of the Treasury department.

H. J. JEWETT,

Chairman on the part of the Senate.

B. F. TANKERSLEY,

Chairman on part of House.

Comptroller's Office,
Austin, January 26, 1848.

To the Hon. B. F. Tankersley,

Chairman of a Select Committee;

House of Representatives:

SIR:—In conformity with a request contained in your note on behalf of the joint committee of the Senate and House of Representatives of the 21st inst, as to "what amount of custom dues were payable to the Government of Texas, by whom collected; when payments of the same have been made, and by whom since the change of government; what amount is now due, and by whom. The aggregate of the amount now due from tax collection under the laws of the Republic of Texas, and what amount is now due by collectors of taxes under the State." I herewith submit the following report:

First. The amount due from customs on the 16th of February, 1846, and the amount paid into the Treasury since that date, and the balance remaining due at this time.

Amt. paid.	Amt. due	Amt. due
	Feb. 16, 1846.	Jan. 1, 1848.

James H. Cocke, Custom Agent, Galveston, for monies collected by and received through him on account of customs,

Amount paid April 23, 1846,	5,205 00
do. " 28, "	12,400 95
do. June 8, "	943 61
do. July 9, "	146 62
do. " 11, "	200 00

33,745 42

			Amt. paid.	Amt. due Feb. 16, 1846.	Amt. due Jan. 1, 1848.
do.	"	22,	"	500	00
do.	"	27,	"	1,002	00
do.	August,	12,	"	300	00
do.	Oct.	7,	"	2,705	68
do.	Nov.,	10,	"	54	33
do.	Dec.,	12,	"	3,062	12
do.	Feb.,	6,	1847,	53	35
do.	March	27,	"	500	00
do.	May	7,	"	875	00
do.	August	24,	"	420	00

Amount of expenses since
the change of government,
including part of expenses
for previous quarter, ending
31st January, 1846,

4,540 31 32,918 97 826 45

An additional amount of \$2,000 to that shown above, was to have been paid on the first of the present month, on account of duties secured by deposit, but as I have not been advised of its payment, the amount is not included in the cash receipts, supposing it to have been collected, it will increase the amount due to \$2,826 45.

It may be proper for me here to remark that the collector has been dispossessed without his knowledge or consent, of a quantity of goods, which had been deposited to secure an importation, the duties on which, amounted to upwards of \$2,000, every assurance has been given by the party, that the duties will be paid, and it is thought by the agent, that the amount will shortly be available to the State.

About \$7,500 is yet owing in addition to the above, on shipments made between the 29th December 1845, when the laws of the United States were extended over Texas, and the 16th of February following, when the government of the State organized, at which date in the opinion of Texas, annexation was only consummated, and her right to collect impost duties only then ceased. The question has not yet been finally determined, an appeal has been taken to the Supreme Court of United States, and until the decision of that court is known, all proceedings to coerce the payment of this amount has been forbidden.

	Amt. paid.	Amt. due Feb. 16, 1846.	Amt. due Jan. 1, 1848.
Alex. Somerville, Collec- tor, District of Calhoun,		23,696 66	
Amt. paid, May 15th, 1846,	5,031 75		
do. July 27th, "	8,000 00		
do. March 10th, 1847,	100 00		
do. June 9th,	200 00		
Amount of duties refund- ed to S. W. Fisher and E. Dwyer,	641 98		
Amt. of difference in val- ue of coins as received by collector, and allowed by Treasury Dept., according to joint resolution, approved Feb. 3, 1846.	110 66		
Expenses,	473 81		
	\$14,558 20		

NOTE—The collector in-
stituted suit against Ward
& Ingram, for the recovery
of this amount, for which he
claims a credit on the
books of this office which re-
duce the balance against
him to

1,647 51 16,205 71 7,490 95

Of the balance due by this officer, about \$2,000 is a delin-
quency of a late deputy collector at Port LaVaca, but for
which, the collector is responsible. Suit has been commenced
by him against the defaulting deputy. I am not advised of
the present condition of the proceedings. It is thought, how-
ever, that the amount will ultimately be made. For the bal-
ance, Gen. Somerville has given every assurance of his deter-
mination to satisfy as soon as he can realize it from the sale
of individual property; should he fail, however, so to do, be-
fore the meeting of the next District Court, suit will be insti-
tuted for its recovery. The deficit is amply secured by bond.

	Amt. paid.	Amt. due Feb. 16, 1846.	Amt. due Jan. 1, 1848.
Wm. M. Hurt, collector, San Augustine,		9,048 87	
Amount paid May 16, 1846,	240 00		
do. April 10, 1847,	329 20		
do. Oct. 5, "	200 00	769 20	8,279 67

The delinquency of this officer, to the amount of \$3620 79, consists of notes or obligations taken from the importers, under instructions from the Secretary of the Treasury in payment of duties, although the law did not delegate such authority, the course was thought by the then incumbent advisable and politic, on account of the opposition then existing, in that section to the collection of impost duties. To have exacted a strict observance of the laws, would in all probability have resulted in an entire failure of their enforcement, and the example once set, might have been followed in other districts. To prevent this, was the principal reason which induced the Secretary to assume the authority he did. The notes have been placed in the hands of the District Attorney for collection, and no difficulty, I believe, is apprehended as to their being ultimately collected. For the balance of the amount, the collector professes to be anxious to pay. His bond is entirely responsible for it.

	Amt. paid.	Amt. due Feb. 16, 1846.	Amt. due Jan. 1, 1848.
W. C. V. Dashiell, collector, district of Sabine.			
Amount paid April 28, 1846,	400 00	2,007 89	
do. to James Cocke, and remitted by him to the Treasury,	300 00	700 00	1,307 89

The principal part of this officer's delinquency is for obligations taken by him for tonnage duties. The jurisdiction of Texas in the waters of the Sabine for the collection of tonnage on vessels from the United States, was always the subject of dispute, and when shippers or masters of vessels were disposed to deny this right, the collector was unable to enforce the law; he was therefore, compelled in many instances, to

compromise by taking the conditional obligation of the party for the same, to be paid when it was acknowledged by the United States, that Texas had a right to exact the payment of tonnage on vessels entering said river. The question remains undetermined, consequently, the obligations remain unpaid.

	Amt. paid.	Amt. due Feb. 16, 1846.	Amt. due Jan. 1, 1848.
Geo. M. Collinsworth, collector, district of Aransaso,		10,351 84	
Amt. paid April 28, 1846,	5,064 28		
do. Nov. 13, "	172 15		
do. to John Howe, special agent, and remitted by him to the Treasury,	1,613 41	6,849 84	3,502 00

This officer professed not to be aware of this balance against him, until informed by the department. He states that on transmitting his last return, he was informed by his deputy, that the full amount owing had been remitted, and his accounts balanced and closed. That he entrusted the closing of his accounts to his deputy entirely, his own time being otherwise occupied. He has promised to visit the seat of government and arrange the matter.

	Amt. paid.	Amt. due Feb. 16, 1846.	Amt. due Jan. 1, 1848.
Reuben M. Potter, collector of customs, Brazos.		1,751 52	
Amt. paid Feb. 18, 1846,	187 50		
do. Oct. 17, "	24 00		
do. May 31, "	247 19		
do. Jan. 1, 1848,	247 50	706 19	1,045 33

The balance owing by this officer bears peculiarly hard upon him. In 1842, when the constitutionality of the act of July 23d, of that year, for receiving Exchequer Bills at less than their face value for public dues, was questioned. He, to avoid any difficulty or disturbance, and with an eye alone to the public interest, permitted a certain quantity of merchandize to go out of his custody, with a distinct understanding with the parties, that they would save him harmless in the transaction

and be governed by whatever decision might be made by the courts. This they have only done to a certain extent, by placing in his hands paper for collection, the principal part of which, he has been to this day unable to realize the money on.

The amount owing by Mr. Potter, may be looked upon as entirely safe. He is now in the employ of the General Government, and although the salary he receives is small, every dollar which he can possibly spare over what is necessary for a bare subsistence is applied to the discharge of this indebtedness.

It may not be improper to remark that the collector at Velasco was entitled by law to receive a conditional salary of \$800 00 per annum; provided the commissions and fees amounted to that sum, but when they did not come up to the maximum salary, then such amount was to be in full for compensation. During the three years 1842, 1843 and 1844, that Mr. Potter acted as collector, his commissions and fees amounted only to \$1,104 59, an average of \$368 19 per annum. I would most respectfully suggest, as an act of justice to this meritorious officer, that the committee take into consideration the peculiar hardship of his case, and recommend such additional amount in the way of salary, not to exceed the maximum, as may appear to them just and equitable; the same to be applied to the discharge of his delinquency.

Amt. paid.	Amt. due	Amt. due
	Feb. 16, 1846.	Jan. 1, 1848.

Gail Borden, late collector
district of Galveston,

26,869 33	26,869 33
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Suit has been commenced against this officer and his securities for the above amount, of which \$24,816 71, is of Exchequer bills, the balance \$2,052 62, specie. On the trial of the cause in the District court the Exchequer bills were reduced to a par value according to their market price, as the time demand was made on the late collector for the payment of the amount, and judgment rendered accordingly, which, together with \$2,052 62 sound funds, amount to \$25,410 28 par funds, including damages. The case has been carried to the Supreme court of the State where it is now pending.

	Amt. paid.	Amt. due Feb. 16, 1846.	Amt. due Jan. 1, 1848.
Sandford Holman, collector, San Augustine.			
		2,679 34	
Amount paid July 24, 1847,	600 00	600 00	2,079 34

This claim is in suit and judgment obtained, the above credit of \$600 has been paid since the rendering of the judgment, the balance is secure and may be expected shortly.

	Amt. paid.	Amt. due Feb. 16, 1846,	Amt. due Jan. 1, 1848.
Samuel W. Wybrants, collector, Aransaso.			
		207 59	207 59

Suit will be instituted for this amount, for which the bond is ample.

	Amt. paid.	Amt. due Feb. 16, 1846.	Amt. due Jan. 1, 1848.
James Bourland, collector, district of Red River,		8,149 07	
Amt. paid April 24, 1846,	2,695 37		
do. May 13, "	655 50		
do. Sept. 17, "	81 00		
do. " 28, "	2,100 00		
do. Jan. 1, 1848,	2,589 20		
do. of expenses,	28 00	8,149 07	

Direct and License Taxes levied under the laws of the late Republic of Texas:

The books show a balance due from this source of revenue of about \$85,000 00. It would not be safe to calculate upon receiving any thing like this sum, a large portion of the amount will be satisfied by insolvent and defaulting payers.

The Sheriff's who were ex-officio collectors of direct taxes, under the late government, appropriated a considerable amount of the revenue collected to the expense of keeping criminals committed to their custody in the several counties. The

department invariably refused to allow such disbursement in settlement with the officer, as there was no law authorizing it, and many of the defalcations now existing is occasioned by the application thus made of the money.

I will here renew the suggestion which I made in my annual report, viz: that authority should be conferred, for the collection of the arrearages now due on the assessment rolls, either on those who stand charged with the amount, or the duty assigned to the present assessors and collectors.

A number of suits are now pending against late tax collectors, and it is my intention to place the balance which remain unsettled in the hands of the District Attorneys for collection, as soon as the accounts can be prepared.

I should not estimate the amount to be received from this source during the present year, at exceeding \$5,000.

Direct and License Taxes, levied under the State.

The amount due at this time from State revenue for the Years 1846 and 1847, amounts to about \$74,100, allowing full collections to have been made by the officers.

I would most respectfully call the attention of the committee to the recommendation made in my last annual report, on the subject of authorizing the appointment of a fiscal agent, who should visit the various collectors and make settlements, &c. The utility for such an agent, is every day more apparent, and I ask of the committee their most favorable consideration of the subject, and if they agree with me in the suggestion, to recommend it for the necessary Legislative action.

I have confined the statement and remarks which I have made in relation to the fiscal concerns of the late government to the exchequer system, commenced in 1842. To have furnished the situation of the accounts of the various revenue officers anterior to that time, would have been an illimitable undertaking, and could not have been prepared during the period which the present Legislature is likely to remain in session, and at the same time dispose of the current business of the office.

Very respectfully yours,

JAMES B. SHAW, Compt.

Treasurers Office,
Austin, January 29th, 1848.

To the Honorable

B. F. Tankersley,

Chairman of Special Committee, House of Representatives.

Sir—In answer to the enquiry of the Special Joint Committee of the Senate and House of Representatives, made through yourself, relative to the condition of the Treasury at this time, I have the honor to state;

That there is now in this office
for disbursement the amount
of : : : : :

\$70,063 01

To show properly the sum
subject to future appropriations
there should be deducted from
the amount the following items,
viz,

For balance due and undrawn
upon appropriations for 1846
and 1847, (less the amount of
\$10,000 for building a Peni-
tentiary; that appropriation
being cancelled soon by the
limitation fixed in the Consti-
tution; : : : :

\$33,400 00

For amount due the members
and officers of the Legislature
up to date, : : :

10,600 00

For amount on deposit for the
benefit of the men composing
the expedition under Col.
Sniveley, : : : :

1,930 00

For amount due Assessors and
Collectors for taking the cen-
sus of the State, : :

3,550 00

\$39,480 00

Balance in the Treasury subject
to future appropriation,

\$30,583 01

I have the honor to be,

very respectfully,

your ob't. serv't.

JAMES H. RAYMOND,

Treasurer.

Report received and laid upon the table to come up in its regular order.

Mr. Stuart introduced a bill to be entitled "an act authorizing the appointment of a Fiscal Agent, and for the better security of the revenue.

Bill read a first time.

Mr. Bogart introduced a bill to be entitled "an act to create the county of Cooke."

Bill read a first time.

Mr. Neal introduced a bill to be entitled "an act supplementary to an act to incorporate the town of Refugio."

Bill read a first time.

Mr. Potter introduced a bill to be entitled "an act to regulate the sale, vending and distribution of patent or secret medicines."

Bill read a first time.

Mr. Potter, also, introduced a bill to be entitled "an act to amend the 11th section of an act organizing County Courts, approved May the 13th, A. D. 1846."

Bill read a first time.

Mr. Dooley introduced a bill to be entitled "an act to incorporate the western Texas Orphan Asylum."

Bill read a first time.

Mr. McNeill introduced a bill to be entitled "an act for the relief of Ann Terrell.

Bill read a first time.

On motion of Mr. Stuart,

The House proceeded to the orders of the day.

The Chair announced a communication from the Commissioner of the General Land Office, containing a letter of explanation from the Spanish Clerk of said Office.

The communication &c., were read, and

On motion of Mr. Cunningham,

Laid upon the table.

A message was received from the Senate, informing the House of the passage of the following bills by that body:

A bill to be entitled "an act to prevent Justices of the Peace and Clerks of District, County and Probate Courts, from issuing executions, for costs only, unless the judgment of the Court was, or shall be, for costs only."

A bill to be entitled "an act to locate the county seat of Navarro county."

A bill concerning fraudulent and conditional land titles derived from the government of Spain, Mexico or Coahuila and Texas.

Was taken up.

Mr. Cunningham moved the engrossment of the bill.

Mr. Willie offered the following as an amendment to the bill.

In the 4th section of the bill strike out all after the word "cause," and insert, "the lands claimed under such title, shall revert to the Government; and shall be held subject to the claims of the Public Creditors, and shall be appropriated *alone* to the extinguishment of the public debt."

Mr. Bourland in the Chair.

A message was received from the Senate, informing the House of the passage of the following bills and Joint Resolutions by that body.

A "Joint Resolution instructing our Senators and requesting our Representatives in the Congress of the United States, to use their influence to procure the incorporation of the officers of the late Navy of Texas into the Navy of the United States."

A bill to be entitled "an act to authorize the city of Galveston to appoint Firemen, and to exempt the same from militia and Jury duty."

"Joint Resolution requesting the Senators and Representatives of Texas in the Congress of the United States, to protest against the relinquishment of the Mexican Provinces or States, conquered by, and in the possession of the United States, without indemnity; and also, to protest against any law, which shall be intended to prevent the citizens of slave-holding States from taking their property with them, in emigrating to said acquired territory."

A bill to be entitled "an act authorizing persons who have received donation certificates under the provisions of an act granting lands to those who were in the battle of San Jacinto and other battles;" approved December the 20th 1837," to alienate said certificates, and the lands acquired under them, was returned to the House, with the information that Messrs. Williams, Dancy and Gage were appointed a committee of conference on the part of the Senate with a request that a like committee be appointed on the part of the House, to confer on the merits of said bill.

On motion of Mr. Epperson, the House adjourned until 3 o'clock, p. m.

3 o'clock, p. m.

The House met pursuant to adjournment.

The Roll was called,

And a quorum was found to be present.

The Speaker announced that Mr. Potter was entitled to the floor.

The argument was then resumed on the bill concerning fraudulent and conditional titles to lands derived from the government of Spain, Mexico or Coahulia and Texas.

Mr. Miller of Houston offered a substitute for the bill and amendment.

Substitute read.

On motion of Mr. Cunningham, the House adjourned until to-morrow morning 10 o'clock,

House of Representatives,
Austin, February 1st, 1848.

The House met pursuant to adjournment.

The Roll was called,

And the following members answered to their names :

Messrs. Speaker, Allen, Armstrong, Burroughs, Bryan, Caffrothers, Crump, Crutcher, Cunningham, Davis of L., Davis of R., Eddy, Edwards, Epperson, Gilliam, Goode, Hardeman, Haynie, Keenan, Lyons, Miller of C., Miller of H., Mosely, McCown, McNeill, Neal Pease, Perry, Potter, Rains, Rayner, Renfro, Reagan, Robertson, Railey, Runnels, Saddler, Shannon, Shaw, Stout, Tankersley, Taylor, Truitt, Webb, Walling, Wheeler, White and Wren.

A quorum being present,

The Journal of the preceding day was read and adopted.

Mr. Pease, Chairman of the committee on the Judiciary, made the following report.

The committee on the Judiciary to whom was referred a bill to be entitled "an act to amend the 3rd section of an act concerning slaves, approved February the 5th, 1840," have considered the same, and a majority of said committee have directed me to report said bill back to the House, and to recommend its passage.

Report received and the bill laid upon the table to come up in its regular order.

Mr. Pease, Chairman of the committee on the Judiciary, also made the following report:

The committee on the Judiciary to whom was referred a

bill to be entitled "an act concerning real estates;" have had the same under consideration, and a majority of said committee have directed me to report the bill back to the House, and to recommend that it be indefinitely postponed.

Report received and the bill laid upon the table to come up in its regular order.

Mr. Stuart, Chairman of the committee on Finance, made the following report:

The committee on Finance to whom was referred a bill to be entitled "an act to authorize the Comptroller of Public Accounts to issue certificates of Stock in certain cases," have had the same under consideration, and have instructed me to report the bill back to the house, and to recommend its passage.

Report received and the bill laid upon the table to come up in its regular order.

Mr. Bryan, Chairman of the committee on engrossed bills, made the following report:

The committee on engrossed bills have examined a bill to entitled "an act regulating elections."

A bill to be entitled "an act to authorize Sarah Ann Kelton, wife of Oliver P. Kelton, a lunatic, to make valid conveyances of her real estate and negroes."

A bill to be entitled "an act to incorporate the town of Springfield."

A bill to be entitled "an act to authorize a special tax to be collected in the county of Guadalupe."

A "joint resolution for the relief of Wm. Plucker," and

A bill to be entitled "an act to establish a State Penitentiary," and find the same correctly engrossed.

Mr. Crutcher moved that the orders of the day be taken up.

Mr. Burroughs presented the petition of Isaac Delaney.

On motion,

The petition was referred to the committee on Public Lands without reading.

Mr. Cunningham introduced the following resolution.

Resolved, That a committee of five be raised by the House of Representatives to examine the documents and papers referred to in tables 1, 2 and 3, in the report of the Commissioner of the General Land Office; and to report to the House, what part, if any, of said document should be printed for general circulation.

Resolution adopted.

The Speaker then appointed Messrs. Cunningham, Carothers, Mosely, Taylor and Bryan to constitute said committee.

Mr. Miller, of Houston, introduced a bill to be entitled "An act to authorize the opening and construction of a turnpike road, from the city of Houston to the Brazos river."

Bill read a first time.

Question—shall the House now proceed to the orders of the day?

The House decided in the affirmative.

A bill to be entitled "An act concerning fraudulent and conditional titles to land, derived from the Governments of Spain Mexico, Coahuila and Texas," being the special order of the day, was taken up and read.

Mr. Epperson moved that the bill and substitute be referred to a select committee.

Motion carried.

The Speaker then appointed Messrs. Epperson, Bryan, McNeill, Goode and Hardeman, to constitute said committee:

To which, Messrs. Armstrong, Cunningham, Reagan and Miller of Houston, were added by the House.

Mr. Bryan was, by his request, excused from acting on said committee.

A message was received from the Senate, informing the House of the passage of a bill to be entitled "An act to prescribe the time for the biennial meeting of the Legislature of the State of Texas."

Mr. Rayner moved that a committee of Conference be appointed on the part of the House, to confer with a like committee on the part of the Senate, in relation to the bill authorizing persons who have received donation certificates, for being in the battle of San Jacinto and other battles, to alienate said certificates, and the lands acquired under them.

Motion carried.

The Speaker then appointed Messrs. Rayner, Walling, Stout, Bourland and Stuart, to constitute said committee.

A bill to be entitled "An act to amend the first, second and fourth sections of an Act to regulate the license and practice of attorneys and counsellors at law, approved May the 12th, 1846," was taken up.

Mr. Willie moved to strike out the third section of the bill.

Motion carried.

Mr. Goode moved that a call of the House be made.

Motion carried.

The roll was then called, and a quorum found to be present.

On motion of Mr. Wheeler,

Mr. Sterne was excused from answering to the call of his name, on account of the indisposition of that gentleman.

On motion of Mr. Davis of Robertson,

Mr. Winkler was excused from answering to the call of his name, on account of the indisposition of that gentleman.

On motion of Mr. Crutcher,

The call of the House was suspended.

Mr. Webb moved that the bill and amendments, together with the report, be referred to a select committee.

Motion carried.

The Speaker then appointed Messrs. Webb, Willie, Fields, Allen and Crutcher, to constitute said committee.

On motion of Mr. Crump,

The "Joint resolution for the relief of J. Harris Catlin," was placed among the orders of the day.

A bill to be entitled "An act requiring county clerks to perform certain duties," together with the report of the committee on the Judiciary thereon, were taken up:

On motion of Mr. Cunningham,

The report was adopted, and the bill ordered to lie on the table.

On motion of Mr. Bryan,

The bill requiring the Spanish titles which have not heretofore been deposited among the archives of the Government of Texas, to be recorded in the counties where the lands claimed by virtue of said titles, are situated, was taken up and placed among the orders of the day.

On motion of Mr. Stuart,

A bill to be entitled "An act to provide for the assessment and collection of taxes;" and a bill to be entitled "An act to raise a revenue by direct taxation," were taken up, and placed among the orders of the day.

A bill to be entitled "An act to establish the county seat of Grimes county," together with the report of the committee on County Boundaries thereon, was taken up.

Mr. McNeill moved the engrossment of the bill.

Mr. Keenan offered the following as an amendment to the bill:

Provided, That the county seat shall be located within seven miles of the centre of said county.

Amendment adopted.

Mr. Allen moved that a call of the House be made.

Motion lost.

Mr. McNeill moved to strike out "seven" and insert "five" miles.

Motion lost.

Mr. Walling moved the engrossment of the bill.

Motion carried, and the bill ordered to be engrossed.

Mr. Taylor moved that the bill in relation to the Public Printing, be taken up.

Motion lost.

A bill to be entitled "An act to authorize a special tax to be levied upon the citizens of Harris county," together with the report of the committee on Finance thereon, was taken up.

The report was adopted, and the bill read a second time.

On motion,

The bill was then ordered to be engrossed.

A "Joint resolution for the relief of J. Harris Catlin," together with the report of the committee on Finance thereon, were taken up, and the report adopted.

Mr. Crump moved that the bill be referred to the committee on Claims and accounts.

Motion lost.

Mr. Crump then moved that the bill be referred to a select committee.

Motion carried.

The Speaker appointed Messrs. Crump, Perry, Robertson, Rayner and Keenan, to constitute said committee.

And, on motion of Mr. Rayner,

Mr. Stuart was added to the committee.

The report of the committee on Finance, in relation to the resolution instructing said committee to enquire into the expediency of making an appropriation to defray the expenses of troops called out by the late Executive, was taken up, read and adopted.

The report of the committee on Finance, in relation to the

petition of John and Esther Clark, praying for compensation for corn and beef furnished by them for the troops of the late Republic of Texas, was taken up, read and adopted.

A bill (from the Senate) to be entitled "An act to organize the militia of Santa Fe," was taken up and read a first time.

A substitute, reported by the committee on the Judiciary, for the bill to be entitled "An act prescribing the rules and regulations under which the power to remit fines and forfeitures, vested by the Constitution, in the Governor, shall hereafter be exercised," was taken up, read and adopted.

Mr. Tankersley moved that the bill be engrossed.

Mr. Mosely offered the following as an additional section to the substitute:

Section 4. Be it further enacted, That it shall be the duty of the Governor, to cause to be entered at large, in a book to be kept for that purpose, his reasons for granting a pardon, commuting a sentence of punishment, or remitting a fine or forfeiture; and to preserve on file all documents and papers on which he acted.

The yeas and nays were called on the adoption of the amendment, and stood as follows:

Yeas—Messrs. Speaker, Armstrong, Bourland, Bryan, Carothers, Crump, Cunningham, Epperson, Fields, Goode, Haynie, Lott, Miller, of C., Miller of H., Mosely, Neal, Pease, Perry, Rayner, Reagan, Shannon, Webb, White and Wren—24.

Nays—Messrs. Allen, Bogart, Burroughs, Crutcher, Davis of L., Davis of R., Dooley, Eddy, Edwards, Hardeman, Keenan, Lewis, Lyons, McNeill, Potter, Rains, Renfro, Robertson, Runnels, Saddler, Shaw, Stout, Stuart Tankersley, Taylor, Truitt, Walling, Wheeler and Willie—29.

Amendment rejected.

Mr. Cunningham offered the following amendment as a Proviso to the first section of the bill:

Provided, That he shall report to the Legislature in all cases in which he has remitted such penalties, with his reasons for doing the same.

Amendment adopted.

Mr. Mosely moved that the bill be engrossed.

The yeas and nays were called on the engrossment of the bill, and stood as follows:

Yeas—Messrs. Speaker, Allen, Armstrong, Bourland, Burroughs, Carothers, Cunningham, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Lott, Miller of C., Miller of H., Mosely, McNeill, Neal, Pease, Potter, Rayner, Reagan, Runnels, Shannon, Shaw, Tankersley, Taylor, Truitt, Webb, Walling, White and Wren—33.

Nays—Messrs. Bogart, Bryan, Crump, Crutcher, Davis of L., Dooley, Eddy, Edwards, Keenan, Lyons, Rains, Robertson, Saddler Stout, Stuart, Wheeler and Willie—17.

Motion carried, and the bill ordered to be engrossed.

A bill to be entitled "An act to incorporate the city of Lava-ca," together with the amendments reported by the committee on the Judiciary, were taken up.

Amendments read and adopted.

On motion of Mr. Cunningham,

The bill was read a second time by its caption.

Mr. Allen moved that the bill be engrossed.

Motion carried, and the bill ordered to be engrossed.

A bill to be entitled "An act to provide for the exchange of books, maps, charts, &c." was taken up, together with the substitute for the bill, reported by the committee on State Affairs.

Substitute read and adopted.

Mr. Haynie offered the following as an amendment to the first section of the bill :

Strike out "Secretary of State," and insert "Executive of the State."

Amendment adopted.

Mr. Miller, of Houston, moved the engrossment of the bill.

Motion carried, and the bill ordered to be engrossed.

Mr. Burroughs, chairman of the committee on Enrolled Bills make the following report :

The committee on Enrolled Bills, have examined " An act to incorporate and establish Guadalupe College ;"

A "Joint resolution instructing our Senators and requesting our Representatives in the Congress of the United States, to protest against the relinquishment of any territory acquired by the conquest, &c. ;"

An act to create a lien on domestic vessels for supplies furnished them, &c.:

An act requesting our Senators and Representatives in the Congress of the United States, to procure the passage of a law incorporating the officers of the late Navy of Texas into the Navy of the United States :

An act to repeal the laws of the late Republic of Texas creating a Board of Medical Censors :

An act to authorize the city of Galveston to appoint Firemen, and to exempt the same from militia and jury duty :

And find the same correctly enrolled : and, having been signed by the Speaker of the House of Representatives and the President of the Senate, were this day presented to his Excellency the Governor for his approval.

Report accepted.

A bill to be entitled "an act to regulate mills and millers," together with the report of the committee on State Affairs thereon, were taken up.

On motion of Mr. Taylor, the report was read and adopted.

A bill to be entitled "an act for the relief of Liley, a colored woman," together with a substitute reported by the committee on State Affairs, were taken up, and the substitute read and adopted.

Mr. Miller, of H., moved the engrossment of the bill.

Motion carried, and the bill ordered to be engrossed.

A bill to be entitled "an act to prohibit the recovery of money, or any article of value, lost or won, on bets or wagers," together with the report of the committee on State Affairs thereon, were taken up.

Mr. Reagan moved that the bill be passed to a third reading.

Mr. Stout offered the following as an amendment to the bill:

Insert after the word "whatsoever," "except bets made on turf racing."

Mr. Rayner offered the following as an amendment to the amendment:

After the word "racing," add "and cock fighting."

Amendment adopted.

Question—Shall the amendment proposed by the gentleman from Red River, as amended by the gentleman from Fort Bend, be adopted?

The House decided in the negative.

Mr. Bogart moved that the sense of the House be now taken on the previous question.

Motion carried.

Mr. Robertson moved a reconsideration of the vote just taken, on Mr. Bogart's motion.

Motion lost.

Question—Shall the bill now under consideration of the House be passed to a third reading?

The yeas and nays were called on the passage of the bill to a third reading, and stood as follows :

Yeas—Messrs. Allen, Armstrong, Bogart, Bryan, Crump, Crutcher, Cunningham, Davis of L., Epperson, Fields, Gilliam, Goode, Miller of H., McNeill, Perry, Potter, Renfro, Runnels, Saddler, Shannon, Stuart, Taylor, Webb and Wren—24.

Nays—Messrs. Speaker, Bourland, Burroughs, Carothers, Davis of R., Dooley, Edwards, Hardeman, Haynie, Keenan, Lewis, Lyons, Miller of C., Mosely, Neal, Pease, Rains, Rayner, Robertson, Shaw, Stout, Tankersley, Truitt, Walling, Wheeler, White and Willie—27.

Motion lost.

A bill to be entitled "an act for the relief of McKinney & Williams," together with the report of the special committee thereon, were taken up.

Mr. Pease offered a substitute for the bill.

Substitute read.

Mr. Tankersley moved that the original bill and the substitute of Mr. Pease, be laid upon the table, and made the special order of the day for to-morrow.

Motion carried.

Mr. Lyons moved that the House adjourn until 10 o'clock, to-morrow morning.

Motion lost.

The bill was then read a second time, and, together with the substitute, laid upon the table, to come up on to-morrow as the special order of the day.

A message was received from the Senate, requesting the appointment of a committee on the part of the House, to act with a like committee on the part of the Senate, in relation to the petition of Stuart Perry.

The Speaker appointed Messrs. Neal, Dooley, Truitt, Shannon and Miller of C., to constitute said committee.

Mr. Tankersley, by leave introduced a bill to be entitled an act to provide for the arrangement and adjustment of the public debt.

Bill read a first time.

A bill concerning the outstanding liabilities of the late Republic of Texas, was taken up, and

Read a second time.

Mr. Cunningham moved that the bill be laid upon the table, and that 100 copies of the same be ordered to be printed.

Motion carried.

Mr. Tankersley moved that the House adjourn until 10 o'clock, to-morrow morning.

Motion lost.

Mr. Davis, of R., moved that the House adjourn until 3 o'clock, p. m.

Motion lost.

The resolution to adjourn *sine die* on the 20th of February, inst., was taken up and read.

On motion of Mr. Robertson, the resolution was laid upon the table.

A bill to be entitled an act to incorporate the Cass Academy, was taken up.

On motion of Mr. Mosely, the bill was read a second time by its caption, and referred to the committee on Education.

Mr. Reagan moved that the House adjourned until 10 o'clock, to-morrow morning.

Motion lost.

A joint resolution authorizing and requiring the Governor to subscribe for 300 copies of the Reports of Decisions of the Supreme Court, together with the report of the committee on the Judiciary thereon, was taken up.

On motion of Mr. Pease, the joint resolution was re-referred to the committee on the Judiciary.

A bill to be entitled an act to amend the 3d section of an act to provide for the disposition of the funds received from the United States, approved January the 3d, 1848, was taken up and read a second time.

Mr. Runnels moved that the bill be engrossed.

Motion carried.

And the bill ordered to be engrossed.

Mr. Runnels moved that the rule be suspended, which requires bills to be read on three several days.

Motion carried.

The bill was then read a third time and passed.

A bill to be entitled an act to repeal the 3d section of an act entitled "an act to regulate the license and practice of Attorneys and Counsellors at Law," approved May the 12th, 1846, together with the report of the committee on the Judiciary thereon, were taken up.

On motion of Mr. Pease, the bill was referred to the select committee of which Mr. Webb is chairman.

A joint resolution making an appropriation for the payment of the *pro rata* pay due E. W. Moore, Post Captain, commanding the late Texas Navy, under the provisions of an act of the Congress of the Republic of Texas, approved February the 5th, 1844, together with a substitute for the bill, reported by the committee on Finance, were taken up.

On motion of Mr. McNeill, the House adjourned until tomorrow morning, half-past 9 o'clock.

Question on the adoption of the substitute offered by the Finance committee, pending before the House.

House of Representatives,
Austin, Feb. 2, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs. Sepeaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Carothers, Crump, Crutcher, Cunningham, Davis, of L., Davis, of R., Eddy, Epperson, Fields, Gilliam, Goode, Hardiman, Haynie, Keenan, Lyons, Miller of H., Mosely, McCown, McNeill, Neal, Perry, Potter, Rains, Rayner, Renfro, Reagan, Robertson, Railey, Runnels, Saddler, Shannon, Shaw, Stout, Stuart, Tankersley, Truitt, Webb, Walling, Wheeler and White.

A quorum being present,

The Journal of the preceding was read and adopted.

Mr. Fields presented the petition of Lewis Thuner.

On motion, the petition was referred to the committee on Public Lands, without reading.

Mr. Shaw presented the petition of the citizens of Milam county.

On motion the petition was referred to the committee on County Boundaries, without reading.

Mr. Pease, chairman of the committee on the Judiciary, made the following report:

The committee on the Judiciary, to whom was referred a bill to be entitled "an act to regulate the issuance of certificates for land, to the soldiers of the 1st Regiment of Infantry, of the late Republic of Texas, or to their heirs or assigns," have considered the same. The present laws provide that such certificates, shall only be granted to the original holder or soldier, his heirs or legatees. These laws were passed subsequently to

the discharge of the soldiers, and were evidently intended to compensate the soldier *himself*, and *not* to give a *gratuity* to persons who had *purchased* such discharges.

The bill in question proposes to allow the assignees to obtain such certificates, and will apply to those who became *such* before, as well as after, the passage of the law that made the grant to the soldier and his heirs. The committee believe that the passage of the law would be injurious to the interest of the soldiers, for whose benefit the grant was originally made. They therefore recommend that the bill be laid upon the table.

Report received, and, together with the bill, laid upon the table, to come up in their regular order.

Mr. Pease, chairman of the committee on the Judiciary, also made the following report :

The committee on the Judiciary, to whom was referred a bill to be entitled "an act making additional appropriations of land for the purposes of Education," have considered the same, and, a majority of said committee have directed me to report the bill back to the House without amendment, and to recommend its passage.

A minority of the committee, consisting of Messrs. Willie, Armstrong, and the undersigned, dissent from the report.

(Signed)

E. M. PEASE,
Ch'n Jud. Com.

Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Pease, chairman of the committee on the Judiciary, made the following report :

The committee on the Judiciary, to whom was referred the following bills:

A bill to be entitled an act supplementary to an act in relation to writs of error, approved A. D. 1846:

A bill to be entitled an act to require the Judges of the District Courts to exchange Districts: and

A bill to be entitled an an act defining the mode of conveying property in which the wife has an interest:—have considered all of said bills:

And believing that no necessity exists for the passage of either of them, a majority of thr committee have directed me to report said bills back to the House, and to recommend that they severally be laid upon the table.

Report received, and the bills laid upon the table, to come up in their regular order.

Mr. Pease, chairman of the committee on the Judiciary, also reported as follows:

The committee on the Judiciary, to whom was referred a bill to be entitled an act to amend the 3d section of "an act to provide for the organization of the several counties of the State, have considered the same; and believing that the object of the bill can be better attained by a new bill, that shall provide for the organization of all new counties that may hereafter be established, they have proposed a bill to be entitled "an act to provide for the organization of new counties," which they have directed me to report to the House, and to recommend that it be adopted as a substitute for the original bill.

Report received, and the bill and substitute laid upon the table, to come up in their regular order.

Mr. Pease, chairman of the Judiciary committee, also made the following report:

The committee on the Judiciary, to whom was referred a "Joint Resolution requiring the Attorney General to investigate the condition of the title to the various Islands within the limits of Texas, and if it be expedient, to cause legal proceedings to

be instituted against persons claiming adversely to the State," have examined the same, and a majority of said committee, perceiving no objections to the provisions of the Resolution, have directed me to report the same to the House, for its action.

Report received, and the resolution laid upon the table, to come up in its regular order.

Mr. Winkler, one of the committee on the Judiciary, made the following report :

The committee on the Judiciary, to whom was referred a bill to be entitled "An Act making it a penal offence to burn the woods or prairies," have had the same under consideration, and perceiving some objection to the original bill, have instructed me to report the accompanying substitute, and to recommend its adoption and passage.

Report received, and the bill and substitute laid upon the table, to come up in their regular order.

Mr. Allen, chairman of the committee on State Affairs, made the following report :

The committee on State Affairs, to whom was referred the petition of Elliphas Spencer, praying that a law may be passed, granting to him the right of citizenship and of settling any of his lands in the State of Texas, and to locate good certificates or bounty land claims on any of the vacant lands in the State, according to the laws and the constitution of the State, &c., have had the same under consideration, and I am instructed by the committee to report the same back to the House, and as there is nothing set forth in the petition, which, in the least degree, calls for Legislative action, to recommend that it be laid upon the table.

Report received, and the petition laid upon the table, to come up in its regular order.

Mr. Allen, chairman of the committee on State Affairs, also made the following report :

The committee on State Affairs, to whom was referred a bill to be entitled "An Act to suspend the further introduction of emigrants into the Colonies, under contracts made with the Presidents of the late Republic of Texas," have, after investigation of the same, instructed me to recommend that it be laid on the table.

Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Allen, chairman of the committee on State Affairs, also reported, as follows :

The committee on State Affairs, to whom was referred a bill to be entitled "An Act to provide for the enumeration of the inhabitants of the State of Texas, in the year 1848," together with sundry amendments thereto ; and, also, a bill to be entitled "An Act supplementary to an Act, entitled, an Act to provide for the enumeration of the inhabitants of the State of Texas," approved, April 11, 1846," have again had the same under consideration, and beg leave to report that the amendments proposed by the committee, and submitted for the consideration of the House with the first report, are sufficient to cover the defects and omissions in the original bill. The supplement which was intended as a substitute for the bill referred to in the first instance, proposes nothing which would not have been effected by the original bill, if amended as was recommended in the former report of your committee.

The law to which this was professedly a supplement, provided for the enumeration of the inhabitants of the State in the year 1847, and became at the expiration of that time inoperative ;

having subserved the purpose for which it was enacted, consequently, there can be no supplement to a law which does not now exist.

I am, therefore, instructed to report the bill and the various amendments back to the House, and would ask respectfully, that your committee be relieved from further consideration of the same.

Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Keenan, chairman of the committee on Education, made the following report :

The committee on Education, to whom was referred a bill to be entitled "An Act to incorporate the Cass Academy," have instructed me to report the bill back to the House, with amendments, and to recommend its passage.

Report received, and the bill laid on the table, to come up in its regular order.

Mr. Rayner, chairman of the committee on Claims and Accounts, made the following report :

The committee on Claims and Accounts to whom was referred the petition of Wm. T. Jackson, praying for compensation for services rendered the Republic of Texas, have had the same under consideration ; and, as the object of the petitioner is to have a donation of land granted him, have instructed me to report the same back to the House, and to ask to be discharged from its further consideration ; and that the petition be referred to the committee on Public Lands.

Report received, and the petition laid upon the table, to come up in its regular order.

Mr. Reagan, chairman of the committee on Public Lands, made the following report :

The committee on Public Lands to whom was referred a bill to be entitled "An Act requiring the owners and claimants to lands, to have their titles, and muniments of titles, and claims to land, recorded in the counties in which said lands are situated," have had the same under consideration, and have instructed me to report the accompanying substitute for the bill to the House, and to recommend its passage.

Report received, and the bill and substitute laid upon the table, to come up in their regular order.

Mr. Reagan, chairman of the committee on Public Lands, also, made the following report :

The committee on Public Lands, to whom was referred a bill to be entitled "An Act for the benefit of occupant settlers in Mercer's and Peters' Colonies," have had the same under consideration, and instruct me to report the accompanying substitute for the bill to the House, and to recommend its passage.

Report received, and the bill and substitute laid upon the table, to come up among the orders of the day.

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report :

The committee on Engrossed Bills, have examined a bill to be entitled "An Act to authorize the Comptroller of Public Accounts to issue duplicates of certain drafts issued to Charles Shearn;" and a bill to be entitled "An Act authorizing the the County Court of Fort Bend County to levy an additional tax," and find the same correctly Engrossed.

Report accepted.

Mr. Miller, of H., introduced a bill to be entitled "An Act to establish a State Library, and to create a Library fund."

Bill read a first time. *

Mr. Miller, of H., also introduced a bill to be entitled "An Act to amend An Act for the relief of master builders and mechanics;" approved, January 23d, 1839. .

Bill read a first time.

Mr. Webb introduced a bill to be entitled "An Act to provide for digesting the laws of this State."

Bill read a first time.

Mr. Reagan introduced a "Joint Resolution for the relief of the heirs and legal representatives of R. G. Hall, deceased."

Joint Resolution read a first time.*

Mr. Miller, of H., by leave, made the following report:

The committee, to whom was referred a Resolution of the 22d of December, 1847, requiring them to examine "Hutchinson's Code," and report as to its quality, order, &c., have had the same under consideration, and a majority have instructed me to report, that from the limited examination which they have been enabled to make, they are of opinion that the Code in question is a valuable compilation of the public and general decrees, ordinances and statutes, which were at any time in force in the Republic of Texas, with anotations of the various modifications thereof.

The Code is appropriately divided into seven parts, with chapters and sections: it has a valuable analitical index, and, also, a general index at the end of the work. The whole appears to have been executed in a manner worthy of its learned author, and, it is believcd, would be cheap at a *thousand dollars*; but your committee are of opinion that the purchase of this

Code, would not supercede the necessity of a compliance with the requisition of the 16th section of the general provisions of the Constitution, which is in these words: "Within four years after the adoption of this Constitution, the laws, civil and criminal, shall be revised, digested, arranged and published, in such manner as the Legislature shall direct." This requisition would still be imperative, as the Code includes none of the enactments since annexation. Your committee would, therefore, recommend that the Resolution be laid on the table, and they ask to be discharged from its further consideration.

Report received, and the Resolution laid upon the table, to come up in its regular order.

On motion of Mr. Taylor,
The House proceeded to the orders of the day.

On motion of Mr. Runnels,
A Bill in relation to head-right certificates was taken up.
Mr. Bourland moved that the bill be referred to the committee on Public Lands.

Motion carried and reference made.

The substitute for the "Joint Resolution making an appropriation for the payment of the pro rata pay due E. W. Moore, Post Captain, commanding the late Texas Navy, under the provisions of an act of the Congress of the late Republic of Texas, approved February the 5th, 1844," together with the report of the committee on Finance, were taken up and read.

On motion of Mr. Stuart,

The substitute and report were ordered to lie on the table.

The original joint resolution was then read a second time.

Mr. Willie offered the following additional section as an amendment to the resolution:

Sec. 3. That the sum of \$1250 shall be paid at this time; and the balance of \$2,325 39 shall be paid at any time, after the 1st of February, 1849; and this Joint Resolution shall take effect from and after its passage.

Amendment adopted.

Mr. Willie then moved the engrossment of the Joint Resolution.

Motion carried and the Resolution ordered to be engrossed.

The bill for the relief of McKinney & Williams, together with the substitute for the bill offered by Mr. Pease, were taken up.

On motion of Mr. Bryan,

The bill and substitute were made the special order of the day for Saturday next.

A bill to be entitled "an act to regulate the Public Printing," together with the report of the committee on Public Printing, were taken up.

Mr. Fields offered the following as an amendment:

After the word "pages," in the 13th line of the 7th section, insert the words, "bids, in every instance to include folding and stitching."

Mr. Reagan offered the following as an additional section.

Be it further enacted, That the printing of the laws and the printing of the Journals, shall be let out in separate contracts.

Mr. Fields moved to amend the amendment by striking out the word "shall," and inserting the word "may."

Motion carried.

Mr. Robertson offered the following as an amendment:

"And that there shall be an index to the Journals.

Amendment rejected.

Question—Shall the amendment proposed by the gentlemen from Liberty, as amended by the gentlemen from Nacogdoches, be adopted by this House?

The yeas and nays were called on the adoption of the amendment, and stood as follows:

Yeas—Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Carothers, Crump Crutcher, Cuning-
ham, Davis of L., Davis of R., Dooley, Edwards, Epperson,
Fields, Hardeman, Keenan, Lewis, Lyons, Miller of C., Mose-
ly, McNeill, Neal, Pease, Perry, Potter, Rains, Reagan, Run-
nels, Shannon, Shaw; Stout, Stuart, Truit, Webb, Walling,
Wheeler, White and Wren—42.

Nays—Messrs. Eddy, Goode, Haynie, Miller of H., Mc-
Cown, Renfro, Robertson, Tankersley and Taylor—9.

Amendment adopted.

Mr. Miller of Houston offered the following as an amend-
ment.

Strike out the words "the Legislature may adjourn," and in-
sert "from the time the manuscript may have been furnished by
the Secretary of State."

Amendment adopted.

Mr. Fields moved that the bill be engrossed.

Mr. Bourland offered the following as an amendment:

Strike out "thirty," and insert "forty" days for the laws, and
"sixty" for the Journals.

Amendment adopted.

Mr. Robertson moved to lay the bill on the table.

Motion lost.

Question—Shall the bill now under consideration of the
House be engrossed?

The House decided in the affirmative, and the bill was or-
dered to be engrossed.

On motion of Mr. Stuart,

The rule requiring bills to be read on three several days was
suspended.

Mr. McNeill moved that the bill be read by its caption.

Motion carried, and the bill read a third time by its caption.

Mr. Bryan moved that the bill be re-referred to the committee on Public Printing.

Motion carried and reference made.

A bill to be entitled an act to validate and confirm the acts of Thomas Wm. Ward, Commissioner *pro tem* of the General Land Office."

Was taken up and read.

On motion of Mr. Robertson,

The bill was made the special order of the day for the 15th inst.

A bill to be entitled "an act to create the county of Kaufman."

Was taken up.

On motion of Mr. Reagan,

The bill was read a third time by its caption.

Mr. Bogart moved that the bill be laid upon the table.

Motion lost.

Question—Shall the bill now under consideration of the House be finally passed?

The House decided in the affirmative.

On motion of Mr. Bogart,

The bill to be entitled "an act to define the southern boundaries of Collin and Denton counties, and the northern boundary line of Dallas and Henderson counties," was taken up and placed among the orders of the day.

A bill to be entitled "an act supplementary to an act entitled an act to create the county of Smith, approved April the 11th, 1846."

Was taken up;

Read a third time and passed.

A bill to be entitled "an act relative to Judges of the Supreme Court."

Was taken up.

On motion of Mr. Pease,

The bill was re-referred to the committee on the Judiciary.

A bill to be entitled "an act regulating attachments," to-

gether with the substitute reported by the committee on the Judiciary.

Were taken up.

Mr. Cunningham in the chair.

A message was received from the Senate informing the House of the passage by that body, of a bill to be entitled "an act to authorize and require the Commissioner of the General Land Office, or other receivers of public dues in said office, to receive gold and silver at the rate of one dollar thereof for eight dollars in Texas Promissory notes, for all government dues upon land, or patents for land."

Mr. Goode moved that the bill regulating attachments, be made the special order of the day, for the 8th inst.

Motion lost.

Mr. Henderson moved that the substitute for the bill be adopted.

Motion carried.

Mr. Pease offered the following as an amendment.

In the 10th section of the bill, after the word "attachment" in the second line, insert the words, "or personal property."

In the 10th section 4th and 5th lines, strike out the words, "or by going upon the land of the defendant."

Amendments adopted.

Mr. Potter moved that the bill be engrossed.

Mr. Crutcher offered the following as an amendment to the bill:

Strike out after the word "State," in the 8th line of the 4th section, "or that he secretes himself so that the ordinary process of law cannot be served upon him."

Amendment.

Mr. Davis of Robertson moved that the bill be made the special order of the day for Monday next.

Motion lost.

Mr. Henderson moved the engrossment of the bill.

Motion carried, and the bill ordered to be engrossed.

A resolution of the House instructing the committee on contingent expenses to enquire into the probable expense incurred by the State for transporting the remains of Maj. Samuel H. Walker, from Houston to the Alamo; and, also, for the transportation of the remains of Capt. R. A. Gillespie, together with the report of said committee in relation thereto:

Were taken up.

On motion of Mr. Henderson,

The report was adopted.

A bill to be entitled "an act to provide for securing titles to purchasers of lots in Springfield, the county seat of Limestone county," together with the report of the committee on county boundaries thereon,

Were taken up.

On motion of Mr. Davis of Robertson,

The report was adopted.

On motion of Mr. Crutcher,

The House adjourned until 3 o'clock, p. m.

3 o'clock, p. m.

The House met, pursuant to adjournment.

The roll was called,

And a quorum found present.

A bill to be entitled "an act to incorporate the town of Montgomery."

Was taken up.

On motion of Mr. McCown,

The bill was read a third time by its caption and passed.

Mr. Sterne, by leave, introduced a bill to be entitled "an act for the relief of persons who have paid government dues on field notes, which were subsequently withdrawn."

Bill read a first time.

A "joint resolution for the establishment of a line of Military Posts, from Washita on Red River, to the Paso del Norte." Was taken up.

Mr. Willie moved that the joint resolution be referred to a select committee.

Motion carried.

The Speaker then appointed Messrs. Willie, Tankersley Fields, Bogart and Bourland to constitute said committee.

Mr. Lyons moved to take from the table and refer to the same committee a joint resolution relative to the Indian boundaries to be established by the United States.

Motion carried.

The "Joint resolution (reported by the committee on Military Affairs,) for the relief of N. R. Mallon and others."

Was taken up and read a second time.

Mr. Crump moved that the resolution be laid on the table.

Motion carried.

A bill to be entitled "an act for the relief of the widow and heirs-at-law of Maj. James L. Holmes, deceased," was taken up; and

Read a second time.

Mr. Robertson moved the engrossment of the bill.

Motion carried and the bill ordered to be engrossed.

Mr. Reagan, Chairman of the committee on Public Lands, made the following report:

The committee on Public Lands, to whom was referred the memorial of Ann Holmes, praying for the confirmation of a certain land certificate for one league and labor of land, have had the same under consideration, and have instructed me to report the accompanying bill touching the object of the memorialist and to recommend its passage.

Mr. Reagan, chairman of the committee on public lands, also, made the following report:

The committee on public lands, to whom was referred the petition of H. Bates, praying for land, have considered the same, and have instructed me to report the petition back to the House, and to ask that they be discharged from its further consideration, for the want of the necessary evidence of the petitioner's right to land.

Report adopted.

Mr. Reagan, chairman of the committee on public lands, also, reported as follows:

The committee on public lands, to whom was referred the petition of William C. Beard, praying for the confirmation of his head-right certificate, have had the same under consideration, and have instructed me to report the petition back to the House, and, on account of a constitutional question which it involves, to recommend its reference to the committee on the judiciary.

Report adopted.

A bill to be entitled "an act to authorize Sarah Ann Kelton, wife of Oliver P. Kelton, a lunatic, to make valid conveyances of real estate and negroes;"

Was taken up,

Read a third time and passed.

A bill to be entitled "an act to incorporate the town of Springfield;"

Was taken up.

On motion of Mr. McNeill,

The bill was read a third time by its caption, and passed.

A bill to be entitled "an act to authorize a special tax to be collected in the county of Guadalupe;"

Was taken up;

Read a third time and passed.

A "joint resolution for the relief of William Plucker;"

Was taken up;

Read a third time and passed.

A bill to be entitled "an act to establish a State Penitentiary;"

Was taken up.

Mr. Mosely moved that the bill be read by its caption.

Motion lost.

The bill was then read a third time, and

The yeas and nays being called on its final passage, stood thus:

Yeas—Messrs. Speaker, Allen, Armstrong, Burroughs, Bryan, Carothers, Crutcher, Dooley, Eddy, Edwards, Epperson, Gilliam, Hardeman, Keenan, Lewis, Lyons, Miller of Colorado, Miller of Houston, Mosely, McNeill, Neal, Pease, Perry, Potter, Rayner, Renfro, Tankersley Taylor, Truitt, Webb, Walling Wheeler, White and Wren—44.

Nays—Messrs. Bogart, Bourland, Crump, Davis of L., Davis of R., Fields, Goode, Haynie, Rains, Reagan, Robertson, Runnels, Shannon, Shaw, Sterne, Stout, Stuart, and Willie—18.

Bill passed.

A bill to be entitled "an act to regulate elections;"

Was taken up.

On motion of Mr. Crutcher,

The bill was re-referred to the committee on privileges and elections.

A bill to be entitled "an act to incorporate Berkley Academy, of Montgomery county;"

Was taken up, and

Read a second time.

Mr. McNeill moved the engrossment of the bill.

Motion carried, and the

Bill ordered to be engrossed.

Mr. Keenan, chairman of the committee on education, reported back the resolution of the House, instructing said committee to enquire whether or not, certain towns in this State had received special grants of land from the State of Coahuila and Texas, &c., &c.," and recommended that it be referred to the committee on the judiciary.

Report adopted, and

Reference made.

A bill to be entitled "an act to amend the 11th section of an act to incorporate the Brazos Canal Company;"

Was taken up, and

Read a second time.

On motion of Mr. Bryan,

The bill was passed to a third reading.

A "joint resolution for the relief of Robert H. Beale;"

Was taken up, and

Read a second time.

Mr. Rayner moved its engrossment.

Motion carried, and the

Joint resolution ordered to be engrossed:

A bill to be entitled "an act to incorporate the town of Mount Pleasant, in Titus county;"

Was taken up, and

Read a second time.

Mr. Epperson moved the engrossment of the bill.

Motion carried, and the

Bill ordered to be engrossed.

A bill to be entitled "an act to repeal the 4th section of an

act, requiring the Commissioner of the General Land Office to issue patents upon unconditional head-right certificates for land," approved May the 12th, 1846;

Was taken up.

Mr. Eddy moved to amend the bill by inserting "2d section," before the "4th," in the caption of the bill.

Amendment adopted.

Mr. Eddy then moved the engrossment of the bill.

Motion carried, and the

Bill ordered to be engrossed.

A bill to be entitled "an act to amend the 3d section of an act providing for the transfer of records of administrators to new counties," approved May the 13th, A. D. 1846,"

Was taken up, and

Read a second time.

Mr. Fields moved to strike out the proviso embodied in the bill.

Motion lost.

On motion of Mr. Allen,

The bill was passed to a third reading.

A bill to be entitled "an act to raise a revenue by direct taxation;"

Was taken up, and

Read a second time.

Mr. Henderson offered the following as an amendment:

In the 4th line of the first section, strike out "except such property as may be exempted by law from taxation," and insert "working tools and household furniture."

Amendment rejected.

Mr. Stout moved to amend the bill by striking out "sixty," and inserting "forty-five,"

Mr. Miller of Houston, moved to amend the amendment by inserting "fifty," in place of "forty-five."

Which amendment was accepted by Mr. Stout.

Question: Shall the amendment to the bill proposed by the gentleman from Red River, as amended by the gentleman from Houston be adopted?

The yeas and nays were called on the adoption of the amendment, and stood as follows :

Yeas—Messrs. Bogart, Bourland, Burroughs, Eddy, Gilliam, Goode, Keenan, Lott, Lyons, Miller of H., Perry, Rains, Renfro, Reagan, Shannon, Sterne, Stout, Taylor, Truitt, Walling, Wheeler White and Wren—23.

Nays—Messrs. Speaker, Allen, Armstrong, Bryan, Carothers, Crump, Crutcher, Davis of L., Davis of R., Dooley, Edwards, Epperson, Fields, Hardeman, Haynie, Lewis, Miller of C., Mosely, McNeill, Potter, Rayner, Robertson, Runnels, Shaw, Stuart, Tankersley, Webb and Willie—28.

Amendment rejected.

Mr. Tankersley moved that the bill be read by sections.

Motion carried.

Mr. Miller of Houston, moved to amend the 2d section, by striking out "sixty," and inserting fifty-five."

The yeas and nays were called on the adoption of the amendment, and stood as follows:

Yeas—Messrs. Bogart, Bourland, Burroughs, Davis of Robertson, Eddy, Fields, Gilliam, Goode, Lott, Rains, Reagan, Shannon, Sterne, Stout, Taylor, Truitt, Walling and Wren—18.

Nays—Messrs. Speaker, Allen, Armstrong, Bryan, Carothers, Crump, Crutcher, Davis of L., Dooley, Edwards, Epperson, Hardeman, Haynie, Keenan, Lewis, Lyons, Miller of C., Miller of H., Mosely, McNeill, Perry, Potter, Rayner, Renfro, Robertson, Runnels, Shaw, Stuart, Tankersley, Webb, Wheeler, White and Willie—33.

Amendment rejected.

Mr. Dooley offered the following as an amendment to the bill:

Strike out the words in the 2d section, "between the ages of twenty-one and sixty," and insert "over the age of twenty-one."

The yeas and nays were called on the adoption of the amendment, and stood as follows:

Yeas—Messrs. Speaker, Allen, Armstrong, Bryan, Carothers, Crump, Crutcher, Dooley, Epperson, Hardeman, Haynie, Lewis, Lyons, Miller of C.; Mosely, McNeill, Potter, Robertson, Shaw, Tankersley, Webb, Wheeler, White and Willie—24.

Nays—Messrs. Bogart, Bourland, Burroughs, Davis of L., Davis of R., Eddy, Edwards, Fields, Gilliam, Goode, Keenan, Renfro, Reagan, Runnels, Shannon, Sterne, Stout, Stuart, Taylor, Truitt, Walling and Wren—27.

Amendment rejected.

Mr. Crutcher moved that the House resolve itself into a committee of the whole.

Motion lost.

Mr. Reagan offered the following as an amendment:

Strike out the words "one dollar," in the 2d section of the bill, and insert the words "fifty cents."

Amendment rejected.

Mr. Davis of Robertson, offered the following as an amendment.

Strike out the words "one dollar," in the 2d section, and insert "seventy-five cents."

Mr. Allen moved that the House adjourn until 10 o'clock, to-morrow morning.

Motion lost.

Question: Shall the amendment to the bill, proposed by the gentleman from Robertson, be adopted?

The yeas and nays were called on the adoption of the amendment, and stood as follows:

Yeas—Messrs. Armstrong, Bogart, Burroughs, Davis of R., Eddy, Fields, Goode, Lott, Lyons, Rains, Reagan, Shannon, Sterne, Tankersley, Taylor, Truit, Walling, Willie and Wren—18.

Nays—Messrs. Speaker, Allen, Bourland, Bryan, Carothers, Crump, Crutcher, Davis of L., Dooley, Edwards, Epperson, Gilliam, Hardeman, Haynie, Lewis, Miller of C., Miller of H., Mosely, McNeill, Perry, Potter, Rayner, Renfro, Robertson, Runnels, Shaw, Stuart, Webb, Wheeler and White—30.

Amendment rejected.

Mr. Sterne offered the following as an amendment:

“And it shall not be lawful for any county in this State, to collect any portion upon the poll tax, for county purposes.”

Amendment rejected.

Mr. Goode offered the following as an amendment:

Strike out “one dollar,” and insert “twenty-five cents.”

Amendment rejected.

Mr. Hardeman moved that the 2d section of the bill be adopted.

Motion carried.

Mr. Miller of Houston, moved that the 1st section of the bill be adopted.

Motion carried.

Mr. Goode moved that the bill and amendments be laid upon the table.

Motion lost.

Mr. Davis of Robertson, moved that the House adjourn until half past 9 o'clock, to-morrow morning.

Motion lost.

Mr. Crump offered the following as an amendment to the bill:

After the word "interest," in the 2d line of the 2d section, insert "or on hand, exceeding one hundred dollars."

Amendment rejected.

On motion, the 3d section of the bill was adopted.

Mr. Miller of Houston, offered the following as an amendment to the 4th section to the bill:

Strike out all between the words "merchandize," in the 9th line, and the word "each," in the 13th line, and insert "a direct *ad valorem* tax of 20 cents on each hundred dollars of the amount of sale, of such person or firm, to be given under oath to the assessor and collector, quarterly for"

Amendment adopted.

Mr. Bogart offered the following as an amendment:

Strike out the words "fifteen dollars," in the twenty-first line of the fourth section, and insert "fifty dollars."

Amendment rejected.

Mr. Webb offered the following as an amendment:

Insert, at the end of the fourth section—"And of each and every person pursuing the profession of law and medicine, for

pay or emolument, a direct *ad valorem* tax, at the rate of thirty cents upon every hundred dollars, derived by such person, from such profession."

Amendment rejected.

Mr. Lyons moved to amend the amendment, as follows :

"to be paid in the same kind of pay that doctors generally get—TRADE!!"

Amendment adopted.

Question—shall the amendment to the bill proposed by the gentleman from Fayette, and amended by the gentleman from Rusk, be adopted?

The House decided in the negative.

Mr. Reagan offered the following as an amendment to the bill:

After the words "direct *ad valorem* tax of," strike out "twenty cents," and insert the words "one dollar."

Amendment rejected.

Mr. Willie moved a re-consideration of the vote on the amendment offered by Mr. Miller, of Houston.

Motion carried.

Mr. Bogart moved that the House adjourn until to-morrow morning, 10 o'clock,

Motion lost.

Mr. Davis, of Robertson, moved that the House adjourn until to-morrow morning, 9 o'clock.

Motion lost.

Question—shall the amendment proposed by the gentleman from Houston, to the bill now under consideration of the House, be adopted?

The House decided in the negative.

Mr. Robertson offered the following as an amendment to the bill:

In the tenth line of the fourth section, strike out all between the words "of" in the tenth line, and "of" in the eleventh line, and insert the following: "Over two thousand and under four thousand dollars, an annual tax of twenty-five dollars; and on a capital over four thousand and under eight thousand dollars, an annual tax of fifty dollars; and on a capital over eight thousand and under twelve thousand dollars, an annual tax of seventy-five dollars; and on a capital over twelve thousand dollars, an annual tax of one hundred dollars."

Mr. Bogart moved that the bill be laid upon the table.

Motion lost.

Mr. Bogart then moved that a call of the House be made.

Motion carried.

On motion of Mr. Stout,
Mr. Sterne was excused from answering to the call of his name.

On motion of Mr. Carothers,
Mr. McCown was excused from answering to the call of his name.

The roll was then called, and a quorum found present.

On motion of Mr. Bourland,

The call of the House was suspended.

Question—shall the amendment proposed by the gentleman from Washington, be adopted?

The yeas and nays were called on the adoption of the amendment, and stood as follows:

Yeas—Messrs. Armstrong, Bogart, Burroughs, Carothers, Crump, Crutcher, Davis of R., Eddy, Edwards, Hardeman, Haynie, Miller of H., Mosely, McNeill, Perry, Potter, Rains, Rayner, Reagan, Runnels, Robertson, Shannon, Shaw, Stout,

Taylor, Truitt, Webb, Walling, Wheeler, White and Wren—31.

Nays—Messrs. Speaker, Allen, Bourland, Bryan, Cunningham, Davis of L., Dooley, Epperson, Fields, Goode, Keenan, Lewis, Lott, Lyons, Renfro, Stuart, Tankersley and Willie—18.

Amendment adopted.

Mr. Crutcher moved that the fourth section of the bill be adopted.

Mr. Miller, of Houston, moved that the House adjourn until to-morrow morning, 10 o'clock.

Motion lost.

Mr. Eddy moved that the sense of the House be now taken on the motion of the gentleman from Fayette.

Motion lost.

Mr. Davis, of Robertson, offered the following as an amendment to the bill:

In the twenty-first line of the fourth section, after the word "City," insert "Containing a population of six hundred and upwards, an annual direct tax of twenty-five dollars; and in all towns containing a population of less than six hundred, and not less than one hundred and fifty, an annual tax of ten dollars."

Amendment rejected.

Mr. Potter moved that the fourth section of the bill be stricken out.

The sense of the House was then taken on Mr. Miller's motion to adjourn until 10 o'clock, to-morrow morning.

Motion carried.

The action of the House pending on Mr. Potter's motion to strike out.

House of Representatives,
Austin, February 3d, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Carothers, Crump, Crutcher, Cunningham, Davis of L., Davis of R., Dooley, Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lewis, Lott, Miller of C., Miller of H., Mosely, Mc-Cown, McNeill, Pease, Perry, Potter Rains, Rayner, Renfro, Reagan, Robertson, Saddler, Shannon, Shaw, Stout, Stuart, Tankersley, Taylor, Truit, Webb, Walling, Wheeler, and White.

A quorum being present,

The Journal of the preceding day was read and adopted.

Mr. Bourland presented the petition of Ebenezer Allen, together with a bill to be entitled "An act to establish the Galveston and Red River Railroad Company."

Bill read a first time.

A message was received from the Senate, informing the House, of the passage by that body of a bill to be entitled "An act to prohibit the Boards of Land Commissioners in each county in this State, from issuing certificates to any claimant whatsoever, unless the applicant or claimant shall previously thereto have received a conditional certificate from some competent Board."

On motion of Mr. Bourland;

The rule requiring bills to be read on three several days, was suspended, and the bill to establish the Galveston and Red River Railroad Company, was read a second time, and referred, together with the accompanying petition, to the committee on Internal Improvements.

Mr. Lewis presented the petition of Edward Hall.

On motion;

The petition was referred to the committee on Public Lands, without reading.

Mr. Stout moved that the House proceed to the orders of the day.

Motion lost.

Mr Tankersley, one of the Judiciary committee, made the following report:

The Judiciary committee, to whom was referred a bill to be entitled "An act to incorporate the Houston Mechanics' Institute, have examined and considered the same; and, seeing no objection to the bill, a majority of said committee have instructed me to report the same back to the House, and to recommend its passage, without amendment.

Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Potter, one of the committee on the Judiciary, reported as follows:

The committee on the Judiciary, to whom was referred a bill to be entitled "An act, assenting to the purchase by the United States, and ceding to the same, jurisdiction of certain lands in this State, for public purposes," have had the same under consideration, and believe that, in order to effect the purpose intended, the bill should be amended. The committee have, therefore, prepared the following amendments, which they have directed me to report to the House, together with the original bill, and to recommend that the bill, when so amended, be passed.

Report received, and the bill and amendments laid upon the table, to come up in their regular order.

Mr. Pease, chairman of the Judiciary committee, made the following report :

The committee on the Judiciary, to whom was referred the "Joint resolution authorizing and requiring the Governor to subscribe for three hundred copies of the "Reports of the Decisions of the Supreme Court," have examined the same; and, a majority of the committee believe the object of the joint resolution to be a good one; but as the resolution is not sufficiently explicit, and makes no provision for the payment of said subscription, they have prepared a substitute, which they have directed me to report to the House, and to recommend its adoption and passage.

Report received, and the joint resolution and substitute laid upon the table, to come up in their regular order.

Mr. Carothers, chairman of the committee on County Boundaries, made the following report :

The committee on County Boundaries, to whom was referred the petition of the citizens of Jefferson county, praying for a county, have had the same under consideration, and have instructed me to report to the House, a bill to be entitled "An act to create the county of Delta," and to respectfully recommend its passage.

Report received, and the bill read a first time.

Mr. Carothers, chairman of the committee on County Boundaries, also made the following report :

The committee on County Boundaries, to whom was referred a bill (from the Senate) to be entitled "An act to define the boundary lines of Matagorda county," have had the same under consideration, and have instructed me to report the bill back to the House, and to respectfully recommend its passage.

Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Carothers, chairman of the committee on County Boundaries; also reported as follows :

The committee on County Boundaries, to whom was referred a bill to be entitled "An act to create the county of San Gabriel," have had said bill under consideration, and have directed me to report the same back to the House, and respectfully recommend its passage.

Report received, and the bill read a first time.

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report :

The committee on Engrossed Bills, have examined a bill to be entitled "An Act for the relief of Liley, a colored woman ;"

A bill to be entitled "An Act to authorize a special tax to be levied on the citizens of Guadalupe county ;"

A bill to be entitled "An Act prescribing in what cases the Governor may remit fines and forfeitures ;"

A bill to be entitled "An Act to establish the county seat of Grimes county ;"

A "Joint Resolution making an appropriation for the payment of the *pro rata* pay due E. W. Moore, Post Captain Commanding the late Texas Navy, under the provisions of an act of Congress of the Republic of Texas ;" approved, Feb. 5th 1844 ; and find the same correctly engrossed.

Report accepted.

The following report was made by the Special Committee,

appointed to investigate the merits of the Joint Resolution for the relief of J. Harris Catlin :

The Special Committee, to whom was referred a Joint Resolution for the relief of J. Harris Catlin, have examined the same, and find from the books of the Comptroller, as well as the vouchers and documents on file in his office, that the facts set forth in the preamble are correct ; and, that Mr. Catlin is justly entitled to all the credits specified in his petition. The case is one of a peculiar kind, and calls as loudly for Legislative relief, as any that could be presented to the House for its action.

The amount with which Mr. Catlin is charged, and for which, he now stands as a defaulter; was, in good faith, paid over by him as Sheriff, to his successor in office, and his receipt taken for the same : this, alone, would not entitle him to the relief he asks ; but, when all the circumstances are considered,—the amount *over paid* by him as collecting officer, as well as the sum appropriated for him by the Congress of 1842, your committee cannot hesitate to recommend a favorable action on the Resolution.

Report received, and the Joint Resolution laid upon the table to come up in its regular order.

(Signed,)

C. G. KEENAN, Chairman.

Mr. Epperson, chairman of a Select Committee, made the following report :

The Select Committee, to whom was referred a bill to be entitled "An Act concerning fraudulent and conditional land titles, derived from the Governments of Spain, Mexico, Coahuila and Texas," have had the same under consideration, and a majority of said committee have instructed me to report the accompanying bill as a substitute for the original, and to recommend the passage of the same.

Report received, and the bill and substitute laid upon the table, to come up in their regular order.

Mr. McNeill introduced a bill to be entitled "An Act to better define the boundaries of Walker county."

Bill read a first time.

Mr. Robertson introduced a "Joint Resolution authorizing the transfer of one half of a certain lot in the city of Austin on certain conditions."

Joint Resolution read a first time.

Mr. Robertson, also, introduced a bill to be entitled "An Act to provide for printing the laws and journals of the State."

Bill read a first time.

Mr. Dooley introduced a "Joint Resolution to validate the election of Mayor and Alderman of the city of New Braunfels."

Joint Resolution read a first time.

Mr. Stout introduced a bill to be entitled "An Act for the relief of Jesse Billingsby."

Bill read a first time.

Mr. Lewis introduced a "Joint Resolution for the relief of Theodore D. Maltby, who was disabled for life in the service of the country."

Joint Resolution read a first time.

Mr. Eddy asked leave to withdraw the petition of F. M. Diamond, and the vouchers of J. P. Wallace.

Leave granted.

On motion of Mr. McNeill,

The House proceeded to the orders of the day.

The bill to be entitled "An Act to raise a revenue by direct taxation," being the special order of the day, was,
On motion of Mr. Stout, taken up.

Mr. Potter's motion to strike out the 4th section of the bill, being first in order, was taken up.

Mr. Tankersley offered the following as a substitute for Mr. Potter's motion, which was accepted by Mr. Potter :

Strike out, in the 8th line of the 4th section, the words "of each and every person or firm occupied in the sale of goods, wares and merchandize, on a capital or stock of the value of two thousand dollars and upwards, an annual tax of twenty dollars, for each and every such establishment ; of each and every person or firm occupied in the sale of goods, wares and merchandize, on a capital or stock of less than two thousand dollars, an annual tax of ten dollars, for each and every such establishment."

The yeas and nays were called on the adoption of the substitute offered by Mr. Tankersley, and stood as follows :

Yeas—Messrs. Speaker, Allen, Armstrong, Davis, of L., Davis, of R., Epperson, Fields, Mosely, McCown, McNeill, Potter, Rains, Stuart, Tankersley, Taylor, Truitt, Walling, Wheeler and Wren—19.

Nays—Messrs. Bogart, Bourland, Burroughs, Bryan, Carothers, Crump, Crutcher, Cunningham, Dooley Eddy, Edwards, Gilliam, Goode, Hardeman, Haynie, Lewis, Lott, Miller, of C., Pease, Perry, Rayner, Renfro, Reagan, Robertson, Runnels, Shannon, Shaw, Sterne, Stout, Webb and White—31.

Substitute rejected.

Mr. Potter moved to reconsider the vote adopting the amendment proposed by Mr. Robertson.

Motion lost.

Mr. Davis, of R., offered the following as an amendment to the bill :

"After the word "exhibited," in the 8th line of the 4th section, insert the following words, "and none of the aforesaid exhibitions shall be permitted in any county, until the person offering to exhibit the same, shall produce the receipt of a collector of taxes, showing that he has paid the amount of annual direct tax imposed thereon; and, unless such receipt shall be produced, he shall forfeit and pay double the amount."

Amendment adopted.

Mr. Shannon offered the following as an amendment to the bill :

In the 21st line, after "10," add "11, 12, 13, 14, 15, 16 and 17."

Mr. Haynie offered the following as an amendment to the amendment :

"Strike out all of the 4th section of the bill, except the 21st line."

Amendment rejected.

Question—Shall the amendment proposed by Mr. Shannon, be adopted.

The House decided in the negative.

On motion of Mr. Webb,

The House resolved itself into a committee of the whole.

Mr. Crump was called to the chair.

Mr. Bogart moved that the committee rise, report progress, and ask to be discharged.

Motion lost.

On motion of Mr. Tankersley,

The committee rose, reported progress through their chairman, Mr. Crump, and asked to be discharged from the further consideration of the bill.

On motion of Mr. Tankersley,

The bill and amendments were referred to the committee on Finance.

On motion of Mr. Haynie,

The House adjourned until 3 o'clock, p. m.

3 o'clock, p. m.

The House met pursuant to adjournment.

The Roll was called,

And a quorum was found present.

A bill to be entitled "An Act to apportion the Senators and Representatives of the Legislature among the several counties of the State," was taken up, and

Read a second time.

Mr. Robertson offered a substitute for the bill.

Substitute read.

The yeas and nays were called on the adoption of Mr. Robertson's substitute, and stood as follows :

Yeas.—Messrs. Armstrong, Burroughs, Crump, Crutcher, Cunningham, Davis, of L., Eddy, Edwards, Goode, Hardeman, Haynie, Miller, of C., McNeill, Neal, Perry, Potter, Rains, Rayner, Renfro, Robertson, Saddler, Shaw, Stuart, Truitt, Webb, Wheeler, White and Wren—29.

Nays—Messrs. Speaker, Bogart, Bourland, Bryan, Carothers, Davis, of R., Dooley, Epperson, Fields, Gilliam, Lewis, Lott, Mosely, McCown, Pease, Reagan, Runnels, Shannon, Sterne, Stout, Tankersley, Taylor, Walling and Winkler—24.

Substitute adopted.

Mr. Tankersley moved that the substitute be engrossed.

Mr. Cunningham moved that the preamble be stricken out.

Mr. Webb moved that the bill be referred to the same committee to which it first was referred, with instructions to make *two thousand* free white persons the basis, and to attach all new counties formed since the adoption of the constitution, to the counties from which they were taken, excepting those new counties which have *two thousand* free white inhabitants.

Mr. Tankersley moved to amend the motion as follows :

“And that the basis of Senatorial representation shall be *one thousand* electors.”

Mr. Robertson moved that the motion and amendment be rejected.

Mr. Bourland called for a division of the question.

The sense of the House was then taken on the motion of Mr. Webb, and the motion was rejected.

Mr. Goode moved that the vote of the House, adopting the substitute offered by Mr. Robertson, be reconsidered.

The yeas and nays were called on the adoption of Mr. Goode's motion, and stood as follows :

Yeas—Messrs. Speaker, Bogart, Bourland, Bryan, Carothers, Crump, Davis, of R., Davis, of R., Dooley, Epperson, Fields, Gilliam, Goode, Haynie, Keenan, Lewis, Lott, Miller, of H., Mosely, McCown, Pease, Reagan, Runnels, Saddler, Shannon, Sterne, Stuart, Tankesley, Taylor, Walling, Winkler, White and Wren—33.

Nays—Messrs. Armstrong, Burroughs, Crutcher, Eddy, Edwards, Hardeman, Miller, of C., McNeill, Neal, Perry, Potter, Rains, Rayner, Renfro, Robertson, Shaw, Stout, Truitt, Webb and Wheeler—20.

Motion carried.

Mr. McNeill moved that the bill and amendment be referred to the committee on Privileges and Elections.

Mr. Miller, of H., moved that the bill be made the special order of the day for to-morrow.

Question—Shall the motion of Mr. McNeill to refer the bill now under consideration of the House to the committee on Privileges and Elections, be adopted.

Motion carried, and reference made.

On motion of Mr. Neal,

The House adjourned until to-morrow morning 9 o'clock.

House of Representatives,
Austin, Feb. 4th, 1848.

The House met pursuant to adjournment,

The Roll was called,

And the following members answered to their names :

Messrs. Speaker, Armstrong, Bogart, Bourland, Bryan, Carothers, Crump, Crutcher, Davis of L., Davis, of R., Dooley, Eddy, Edwards, Epperson, Gilliam, Goode, Hardeman, Haynie, Keenan, Lewis, Lott, Lyons, Miller of C., Miller of H., Mosely, McCown, Neal, Perry, Potter, Rains, Rayner, Railey, Runnels, Saddler, Shannon, Shaw, Stout, Stuart, Tankersley, Taylor, Truit, Webb, Winkler, Wheeler White and Wren.

A quorum being present,

The Journal of the preceding day, was read and adopted.

A message was received from the Senate, informing the House of the passage by that body of a bill (which originated in the House of Representatives,) to be entitled "an act for the relief of those persons who are indebted to the State on account of public dues, payable in the Promissory Notes of the late Republic," with an amendment.

Mr. Winkler presented the petition of A. Harwood.

On motion, the petition was referred to the committee on Public Lands, without reading.

Mr. Reagan, chairman of the committee on Public Lands, made the following report :

The committee on Public Lands, to whom was referred a bill to be entitled "an act allowing the holders of land certificates to have the same located in more than two surveys," have had the same under consideration, and have instructed me to report to the House the accompanying substitute for the bill, and to recommend its passage.

Report received, and the bill and substitute laid upon the table, to come up in their regular order.

Mr. Carothers, chairman of the committee on County Boundaries, made the following report :

The committee on County Boundaries, to whom was referred the petition of the citizens of Jefferson county, praying for a new county, have had the same under consideration, and hearing no objections urged against the prayer of the petitioners, have instructed me to report to the House a bill to be entitled "an act to create the county of Neches, and to respectfully recommend its passage."

Report received, and the bill read a first time.

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report :

The committee on Engrossed Bills have examined a bill to be entitled an act to provide for the disposition of the funds received from the United States," and find the same correctly engrossed,

Report accepted.

Mr. Crutcher introduced a bill to be entitled "an act to suppress treating by candidates for public offices."

Bill read a first time,

Mr. Eddy, by leave, presented the petition of A. C. Swearingan, and accompanying documents.

On motion, the petition and documents were referred to the committee on the Judiciary, without reading.

Mr. Bryan introduced a bill to be entitled "an act for the relief of David G. Burnet."

Bill read a first time.

Mr. Reagan introduced the following resolution :

Resolved, That the Secretary of State be requested to report to this House any evidence that may be in his office, as to the extent to which Charles F. Mercer, and his associates, have complied with the terms and conditions upon which he contracted to colonize a portion of the lands of the late Republic of Texas; and if the terms of said contract have not been complied with, whether said contract has been declared forfeited.

Resolution ordered to lie on the table one day for consideration.

On motion of Mr. Pease,

The House proceeded to the orders of the day.

On motion of Mr. Stuart,

The bill to be entitled "an act providing for the pay of the officers of the late Navy of Texas," was placed among the orders of the day.

The resolution fixing the time for the election of District Attorneys for the 1st, 2d, 3d and 7th Judicial Districts, was taken up.

Mr. Stuart moved that the resolution be laid upon the table.

Motion lost.

Mr. Tankerley moved to strike out "31st of January," and insert "Monday next."

Motion carried.

Question—Shall the resolution now under consideration of the House, be adopted?

The House decided in the affirmative.

A bill to be entitled "An act to amend the 3d section of an act concerning slaves, approved February the 5th, 1840, together with the report of the committee on the Judiciary, were taken up.

Report received, and,

On motion of Mr. Webb,

The bill was passed to a third reading.

A bill (from the Senate) to be entitled "An act to legalize the marriage of Rhessa Green Stalcup and and Mary Ann Miller," was taken up, and

Read a first time.

A bill (from the Senate) to be entitled "An act to prevent Justices of the Peace and Clerks of the District, County and Probate Courts, from issuing executions for costs only, unless the judgment of the court was, or shall be, for costs only," was taken up, and

Read a first time.

A bill to be entitled "an act to locate the county seat of Navarro county," together with the amendments to the bill from the Senate, were taken up.

Amendments read and concurred in.

A bill to be entitled "an act to incorporate the Western Texas Orphan Asylum," was taken up.

On motion of Mr. Haynie,

The bill was read a second time, by its caption, and referred to the committee on State Affairs.

A bill to be entitled "an act for the relief of Ann Terrell," was taken up, and read a second time.

Mr. Lott moved the engrossment of the bill.

On motion of Mr. Tankersley,

The bill was referred to the committee on Finance.

A bill to be entitled "an act to amend the 11th section of an act organizing County Courts, approved May the 13th, 1846," was taken up, and

Read a second time.

On motion of Mr. Potter,

The bill was referred to the committee on Finance.

A bill to be entitled "an act to regulate the sale, vending or distribution of patent or secret medicines," was taken up, and read a second time.

Mr. Haynie moved the engrossment of the bill.

Mr. Davis, of R., moved to strike out "1847," and insert "1848."

Motion carried.

On motion motion of Mr. Robertson,

The bill was then referred to the committee on State Affairs.

A bill to be entitled "an act supplementary to an act to incorporate the town of Refugio," was taken up.

On motion of Mr. Neal,

The bill was read a second time by its caption, and referred to the committee on the Judiciary.

A bill to be entitled "an act to prescribe the mode of establishing the liabilities of drawers of Bills of Exchange, and Promissory Notes," was taken up.

On motion, the bill was read a second time by its caption, and referred to the committee on the Judiciary.

A bill to be entitled "an act to create the county of Cooke, was taken up.

On motion of Mr. Bogart,

The bill was read a second time by its caption, and referred to the committee on County Boundaries.

A bill to be entitled "an act authorizing the appointment of a Fiscal Agent, and for the better security of the revenue," was taken up.

Mr. Stuart moved the engrossment of the bill.

Mr. Tankersley moved to strike out "\$20,000," in the bond, and insert "\$50,000."

On motion of Mr. Robertson,

The bill was referred to the committee on State Affairs.

A bill to be entitled "an act for the relief of Ford & Cronican, Public Printers," together with a substitute for the bill,

reported by the committee on the Judiciary, were taken up, and the substitute read and adopted.

Mr. Crutcher moved the engrossment of the bill.

Motion carried, and

The bill ordered to be engrossed.

A bill to be entitled "an act for the relief of Booksellers," was taken up, together with the report of the committee on Education thereon.

Bill read a second time.

Mr. Stuart moved to insert, after "establishment," "at Houston."

Motion lost.

Mr. Robertson moved to amend the bill as follows :

After the word "books," insert "except novels ; and that this act shall be so construed as to apply only to works on History, Geography, Botany, Chemistry, Theological works, and Primary School Books."

Mr. Stout moved to add "~~works on~~ Phrenology."

Mr. Goode moved that the sense of the House be taken on the previous question.

Motion carried, and Mr. Robertson's amendment adopted.

Question—Shall the bill now before the House be engrossed?

The yeas and nays were called on the engrossment of the bill, and stood as follows :

Yeas—Messrs. Speaker, Armstrong, Bourland, Burroughs, Bryan, Crump, Crutcher, Davis of L., Epperson, Fields, Goode, Hardeman, Keenan, Lewis, Miller, of C., Rayner, Renfro, Stout, Tankersley, Taylor, Webb and Winkler—23.

Nays—Messrs. Bogart, Carothers, Cunningham, Davis of R., Dooley, Eddy, Haynie, Lott, Lyons, Miller of H.,

Mostly, McNeill, Neal, Pease, Perry, Potter, Rains, Reagan, Robertson, Runnels, Saddler, Shaw, Sterne, Stuart Truitt, Walling, Wheeler, White and Wren—29,

Lost.

On motion of Mr. Allen,

The resolution fixing the time for the two Houses to meet in the Representative Hall, and go into the election of State Treasurer and Comptroller of Public Accounts, was taken up.

Mr. Tankersley moved that the election be made the special order of the day for Tuesday, the 11th inst.

Mr. Bryan moved that the election be made the special order of the day for Monday next.

Motion carried.

The resolution was then adopted.

The report of the committee on Roads and Public Highways, in relation to the petition of the county court and citizens of Washington county, was taken up, read and adopted.

A bill to be entitled "An act to make an improved charter for Goliad city," together with the report of the committee on the Judiciary thereon, were taken up.

On motion of Mr. Cunningham,

The bill was read a second time by its caption, and ordered to be engrossed.

A bill (from the Senate) to be entitled "An act, to amend an act, entitled An Act, to provide for vesting in the State escheated property," was taken up.

On motion of Mr. Cunningham,

The bill was read a second time by its caption, and referred to the committee on the Judiciary.

A bill (from the Senate) to be entitled "An act to prescribe the time for the biennial meeting of the Legislature of the State of Texas," was taken up, and read a first time.

A bill to be entitled "An act concerning real actions," toge-

ther with the report of the committee on the Judiciary thereon, were taken up.

On motion of Mr. Armstrong,
The bill was laid upon the table.

Mr. Mosely, on the part of a minority of the committee on the Judiciary, by leave, made the following report:

To the Honorable J. W. HENDERSON,
Speaker of the House of Representatives :

The undersigned, a minority of the Judiciary committee, to whom was referred "A bill to be entitled an act, concerning real actions," have had the same under consideration, and differing in opinion with a majority of said committee, beg leave to make the following report: That the existing laws regulating the trial of titles to lands are substantially erroneous, uncertain and partial in their operation, is a fact known to every citizen of the State who has had the misfortune to litigate his rights in that kind of property. Independent of that consideration, the minority of the committee are of opinion, that in all cases where titles to lands are litigated, there should be provisions made to place all parties to the suit upon an equality, so as to give the real owner of the land his title quieted and free from all incumbrances whatsoever, which is not the case under the existing law. We are of opinion that as the landed interest of the people of this State is paramount to all other interests, it is therefore due to the people that this great and important interest should be protected by laws, having their foundations based upon the immutable principles of justice and truth. Such are believed to be the principles embodied in the bill now submitted to the House. Upon an examination of its provisions, there we will found ample, full and complete protection to all persons holding legal titles to land. While, at the same time, it affords no inducements for suits to be instituted upon illegal and fraudulent titles, as can be done under the existing law, without any apprehension on the part of the speculating owner of such illegal or fraudulent title ever being attacked for the fraud, falsehood, or perjury that may have brought it into ex-

istence. It is to protect the owners of legal titles to land that have had their origin in the services of those who have complied with all the requirements of law, justice, truth and patriotism, during all the trying struggles, through which the people of this State have passed ; that the proposed law will afford a remedy, that will place the citizen, in peace, and the soldier, in war, in the quiet, peaceable and legal possession of a home for his family, beyond the reach of the heartless minions of avarice that now threaten to swallow up the greater portion of the land of the State and homesteads of her citizens by the enforcement of fraudulent titles to lands, that come into our courts, aided by wealth and supported by all the seeming sanctity of dissembled truth and oppressive law, and with the full assurance and protection of the existing law : it matters not how fraudulent soever their titles may be, yet they defy all investigation and enquiry into the origin, validity, or legality. It is to afford investigation into the legality of all titles litigated, which the proposed law offers to place in the hands of every citizen, when compelled to defend his rights in the courts of the State, and at the same time, forever quiet them in the peaceable possession of their land, free from all future suits upon pretended titles or claims, having their origin in falsehood, fraud or perjury. When the owners of fraudulent claims are compelled to prove their legality on the trials prosecuted to enforce them, they will, at once, abandon their wicked, dishonest and criminal pursuits, and leave our citizens in the quiet enjoyment of their homes, unmolested by any terrors of law-suits or oppression that may now be forced upon them with impunity by the owners of pretended titles to lands, to enforce which, under the existing law, they extort onerous, unjust and oppressive terms of compromise. It is to prevent evils of this character that the proposed law is offered to the consideration of the House as a law of peace and quiet to the citizen of the State, as it is believed it will prove to be, that it is particularly recommended to the favorable consideration of the House. The undersigned would further recommend the passage of the proposed law, because the courts of this State should not be prostituted to the base and corrupt purposes of enforcing pretended rights that may have originated in falsehood, and moulded into the forms of law by foul and corrupt perjury, without duly inquiring into their origin or history ; such, we believe, can be done, and has been done, under the existing law, and to

prevent this unhallowed prostitution of the courts of the State, and to place the legal land titles of this State beyond the reach of successful attack from spurious and forged titles that have been making their appearance in fearful array in the courts of this State, that we respectfully ask and urge the passage of the proposed law, concerning real actions.

[Signed]

SAM. F. MOSELY,
JOHN H. REAGAN,
B. H. EPPERSON,
S. A. MILLER,
C. M. WINKLER.

Report received, to come up in its regular order.

A bill, to be entitled "An act, to provide for the exchange of books, maps, charts, &c.," together with a substitute, reported by the committee on State Affairs, were taken up, and the substitute adopted.

Mr. Haynie moved, to strike out the words "Secretary of State" wherever they occur in the bill, and insert "Executive of the State."

Amendment adopted.

Mr. Haynie then moved the engrossment of the bill.

Motion carried,

And the bill ordered to be engrossed.

A bill to be entitled "An act to authorize the Comptroller of Public Accounts, to issue certificates of stock in certain cases," together with the report of the committee on Finance thereon, were taken up.

Mr. Saddler in the chair.

Mr. Stout moved that the bill be referred to the committee on the Judiciary.

Mr. Tankersley moved that the bill be laid upon the table, until the first day of July next.

Motion carried.

A bill (from the Senate) to be entitled "An act to organize the militia of Santa Fe," was taken up, and read a second time.

On motion of Mr. Miller, of Houston,

The bill was re-referred to the committee on Military Affairs.

A bill to be entitled "An act to provide for the arrangement and adjustment of the Public Debt," was taken up.

On motion of Mr. Edwards,

The bill was referred to the committee on Finance.

A bill to be entitled "An act to authorize the corporate authorities of the several incorporated towns and cities in this State, to levy and collect a direct tax," together with the report of the committee on Finance thereon, were taken up, and the bill read a second time.

Mr. Tankersley moved that the bill be engrossed.

The yeas and nays were then called on the engrossment of the bill, and stood as follows:

Yeas—Messrs. Speaker, Armstrong, Bourland, Bryan, Davis of L., Epperson, Fields, Hardeman, Haynie, Keenan, Lewis, Miller of C., McNeill, Neal, Pease, Potter, Renfro, Shaw, Stout, Stuart, Tankersley, White and Wren—23.

Nays—Messrs. Allen, Bogart, Burroughs, Carothers, Crump, Crutcher, Cunningham, Davis of R., Dooley, Eddy, Edwards, Goode, Lyons, Miller of H., Mosely, Perry, Rains, Rayner, Robertson, Runnels, Saddler, Sterne, Taylor, Truitt, Walling, Winkler and Wheeler—27.

Motion lost.

A bill to be entitled "An act authorizing guardians to remove the property of their wards to any other State in the United States," was taken up.

On motion of Mr. Epperson,

The bill was referred to the committee on the Judiciary.

On motion of Mr. Davis, of Liberty, the House adjourned until 10 o'clock, to-morrow morning.

House of Representatives,
Austin, February 5th, 1848.

The House met pursuant to adjournment.

The Roll was called,

And the following members answered to their names :

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Carothers, Crump, Crutcher, Davis of L., Davis of R., Dooley, Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lott, Lyons, Miller of C., Miller of H., Mosely, McCown, McNeill, Pease, Perry, Potter, Rains, Rayner, Reagan, Robertson, Railey, Runnels, Saddle, Shaw, Sterne, Stout, Stuart, Tankersley, Truitt, Webb, Walling, Winkler, Wheeler, White and Wren.

A quorum being present,

The Journal of the preceding day was read and adopted.

Mr. Haynie asked leave to withdraw the petition of James Cole, from the committee on Claims and Accounts.

Leave granted.

On motion,

The petition was then referred to a select committee, consisting of Messrs. Haynie, Truitt, White, Wren and Neal.

Mr. Winkler presented the petition of Lewis Sanches.

On motion,

The petition was referred to the committee on Claims and Accounts, without reading.

Mr. Stuart, chairman of the committee on Finance, made the following report:

The committee on Finance to whom was referred a bill to be entitled "an act for the relief of Mrs. Ann Terrell," have had the same under consideration, and find the government to be justly indebted to Mrs. Terrell in the sum of \$1,167 87 as set forth in said bill; the said amount being the balance due her late husband, George W. Terrell, deceased, for services as Charge d'Affaires of the late Republic to France and England; but on account of the limited means of the State, and the number of just demands against the same, the committee have not deemed it expedient to recommend the payment of the whole of this claim at the present time; but have instructed me to report the bill back to the House, with the amendments which follow, and to recommend its passage, as amended:

- Amendment first.

In the 4th and 5th lines of the 1st section, strike out the words "one thousand one," and insert "three."

- Amendment second.

In the 8th line of the first section, after the word "being," insert the words, "in part payment of."

Report received and the bill and amendments laid upon the table to come up in their regular order.

Mr. Pease, Chairman of the committee on the Judiciary, made the following report.

The committee on the Judiciary, to whom was referred a bill to be entitled "an act to provide for deducting from the salaries of the Judges of the Supreme Court, Judges of the District Courts and District Attorneys of this State who may

neglect the performance of certain duties, assigned them by law," have had the same under consideration. They believe the bill to be objectionable in many respects; and, not being able so to amend it as to make it acceptable to a majority of the committee, they have directed me to report the same to the House, and ask a discharge from its further consideration.

Report received, and the bill laid upon the table to come up in its regular order.

Mr. Mosely on the part of a minority of the committee on the Judiciary made the following report:

The undersigned, a minority of the committee on the Judiciary, to whom was referred a bill to be entitled "an act to provide for deducting from the salaries of Judges of the Supreme Court, Judges of the District Courts and District Attorneys of this State, who may neglect the performance of certain duties, assigned them by law," differing in opinion with a majority of said committee, beg leave to make the following report:—By the twelfth section, of the seventh article of the constitution, it is declared, that the Legislature shall have power to provide for deductions from the salaries of public officers, who may neglect the performance of any duty, assigned them by law. Independent of the mandate in the Constitution, considerations, based upon principles of honor, honesty, wisdom and justice, demand the enactment of a law, embodying the principles of the bill: indeed, if we would carry out the spirit and genius of our government, we will hold all officers to a strict accountability, and a faithful discharge of the duties assigned them. For the truth of this position, we would respectfully refer to the existing laws, regulating the duties of all inferior officers; and the duty that every citizen of the State has to perform, as Jury servers, under penalties as great if not greater than those proposed to be placed upon those officers: any citizen summoned upon a jury, may be fined by the Judge, and prosecuted with all the vengeance of violated law, at the discretion of the Judge. Let it be remembered, too, that this juror may not only have a good excuse, but if he attends the Courts, and labors as a juror, he gets the promise of one dollar and fifty cents per day; if he fails to attend the Court, he may be fined fifty dollars by a Judge, and prosecuted

by the District Attorney, who may have absented themselves, until the very last hour, of the last day that Court could be opened; and that juror may have been in attendance the whole of the time, except at the last hour that Court could be opened at that term. But upon an examination of the existing laws, we find that no member of the Legislature, who neglects his duty, as such, is permitted to draw money from the Public Treasury. The Legislature, no doubt, was actuated by the consideration, that it would be dishonest and dishonorable, to receive money from the Treasury of the State, without first rendering service therefor.

All that the minority of the committee ask, is, that the Legislature will apply the same rule, to those who are equally bound to perform services to the State before they are paid. Beside this, all appropriations of salaries for officers, are made upon the presumption, that those who hold the offices, will perform the duties; and we hold it to be equally as just, and rational a presumption, that if the services and duties, which are assigned to an officer, are not performed, that such failure or nonfeasance, has occurred by the neglect of such officer. Especially, is this presumption strengthened, when we have the pledge of that officer, under his oath of office, that, he will faithfully perform those duties.

The undersigned have not advanced to that degree of affected, moral and intellectual perfection, that can discriminate between an oath that gives to an officer the privileges and emoluments of an office, by discharging its duties, and an oath, that the same individual has been prevented by no act, or neglect, of his own, from the performance of the duties assigned him. Hence, we insist, and contend, that the provisions of the bill, are wise, just, and wholesome, and such as no honest or honorable officer of the State, will ever object to. It will promote the performance of the duties of officers, who, by their elections, and by the tenure of their offices, are not responsible to the people, and can only be removed by impeachment, or petition of the Legislature, which is tantamount to no responsibility, whatever. Beside this, we can never consent to appropriate the tax money that has been collected from the sweat and toil of the citizens of the State, to officers who may not only fail to perform the duties assigned them, but may bring disgrace upon themselves, dishonor upon the

Constitutional tribunals of the country, and irreparable losses and injuries on the State.

We can never consent to appropriate the money of the people to any officer of the State, unless we have an equivalent, or, at least, an opportunity to obtain an equivalent for services performed. To sanction a different policy, or principle, would make the Legislature directly, and the people indirectly, parties to their own abasement. Equally abominable and odious is that doctrine, that would excuse those officers, because of their exalted position, and presumed integrity. For, so long as these officers possess the frailties, common to mankind, just so long will it be necessary to hold them to a strict accountability, in the performance of the duties assigned them.

Faithful, honest and prompt officers, will never object to the provisions of this bill, while it will purge the State of negligent, unfaithful, dishonest and corrupt officers, who only hold on to offices, for salaries, and to degrade themselves, and disgrace the State.

These are but a few of the considerations, that the minority of the committee would urge, for the enactment of a law, embracing the principles embodied in the bill, herewith submitted to the action of the House.

Report received, and the bill laid upon the table to come up with the orders of the day.

A message was received from the Senate, informing the House of the passage by that body, of the following bills and Joint Resolution:

A bill (which originated in the House of Representatives,) to be entitled an act to create the county of Starr," with an amendment.

A bill (which originated in the House of Representatives) to be entitled "an act better defining the boundaries of Nueces county," with an amendment.

A bill (which originated in the House of Representatives,)

to be entitled "an act to define the county boundaries of Goliad county," with an amendment.

A bill (which originated in the House of Representatives,) to be entitled "an act for the relief of John Keiser."

A bill (which originated in the House of Representatives,) to be entitled "an act to create the county of Cameron," with an amendment.

And, a "joint resolution (which originated in the House of Representatives,) authorizing the Comptroller of Public Accounts to provide a residence in the city of Austin, for the use of the Executive of the State.

Mr. Bogart, on the part of a minority of the committee on the Land office, made the following report:

HON J. W. HENDERSON,

Speaker of the House of Representatives.

The undersigned being members of the committee on the Land Office, charged by two resolutions lately adopted by the Hon. the House of Representatives to inquire into the manner in which the monies appropriated for blank patents, stationery, books, postage and other appropriations at the disposition of the Commissioner of the General Land Office were expended; also, as to the returns made by him for dues and patent fees received; also, as to whether the said Commissioner has committed any malfeasance in office; also, as to what fees have been charged at the Land Office, by whom and under what law, and to what annual amount; having with the remainder of the committee, had the several matters referred to them under consideration, beg leave to report that they have discharged their duty in the premises, by a careful but somewhat protracted examination of the various subjects presented by the resolution.

And first as to the manaaer in which the monies for the purchase of blank patents, stationery, &c., have been disposed of by the Commissioner, it appeared to the committee that the Commisioner duly forwarded to New York the whole appropriation for the year 1846 for the purchase of patents, stationery, etc; and as regards the appropriation for 1847, the Commissioner duly forwarded the same, so soon as received, to his agents abroad, to be applied to its legitimate uses. But the proceeds of the last appropriation have not as yet been fully received at the Land Office, the blank patents, stationery, &c.,

therewith purchased being still in progress of transportation and delivery; since this appropriation came to the hands of the Commissioner, sufficient time for the arrival of the patents, &c., has not yet elapsed; even if the Commissioner had used the utmost diligence in this respect, which circumstances did not, in the opinion of the undersigned, require. The fact that the parchment, of which the patents are made, has to be manufactured in Europe and imported to this country, is not generally known; still in no other manner can the Commissioner obtain the requisite supply, since the markets of neither country furnish so large an amount, except in case of a special and extraordinary demand for the article. Until the receipt of the remaining patents, the Commissioner cannot close his accounts and procure his vouchers, touching this appropriation. So far as he has proceeded, however, in this business, the committee are satisfied that he has discharged his duty with fidelity and commendable energy.

The committee examined the accounts of the Commissioner, touching monies drawn on the appropriation for postage and found that the money had been, in part expended, in conformity to the object of the appropriation, and that the remaining part is deposited in the iron-safe in the Land Office.

Upon an examination of the books of the office, relating to the receipts of government dues and fees for patents, the committee found the same in perfect order.

The several amounts were entered in the order in which they were received, and the deposit warrants on file show that the money was duly paid into the Treasury Department by the Commissioner. The amount of dues and patent fees thus accounted for is near \$123,000. The committee were satisfied from inspection of the books, and without adding up the columns of figures, that the same were kept with carefulness, accuracy and correctness.

The committee carefully and rigidly examined the books and papers of the Land Office, and found that the *order or system* pursued by the Commissioner in this respect, and in the arrangement and prosecution of the whole business of the office is entitled to the highest commendation, on account of its peculiar adaptation to the extensive and varied transactions of the Department, and its efficacy in ensuring the completion of a vast amount of daily business. Any interruption or confusion now introduced in this respect ought to be regarded as

a public misfortune, for it is to this organization that the people are, in no slight degree, indebted for the safe keeping of their muniments of title and the facility with which they may be found and consulted.

In this connection, the undersigned are compelled, by sense of duty and obligation to their constituents and by their convictions, in relation to the paramount interests of our citizens, touching the character of their *patent titles*, to remark that the vigilance and care exerted by the Commissioner in exacting a strict compliance with the *legal* prerogatives, on the part of those applying for patents, is entitled to the approval and co-operation of the community, and of every friend to the true interests of our citizens; without the exertion of this care and vigilance, on the part of the head of the Land Office, the character of our patent titles and the confidence in them must deteriorate and diminish. Indeed, it is only by a careful observance of these legal prerequisites that grantees can be *really* benefitted in obtaining their patents, or that the instrument itself can effectually operate as evidence of title, or that they can be made to occupy a higher or more elevated position in contemplation of law than that assigned to *several classes of doubtful title*, unfortunately but too well known to our people; certainly it is better than the inconvenience of such delay as may be necessary to comply with these prerequisites should be submitted to, than that our patents should be issued *prematurely* and without observance of the requirements of law.

It has been made a subject of charge against the Commissioner, that he has conceded to some of his clerks an occasional brief leave of absence. From the testimony of Mr. Shaw, the Comptroller, it appears that in doing so, Col. Ward has acted only in conformity to a *custom* always prevailing in the Departments and to which no previous objection has been made. The power to grant a temporary leave of absence to a clerk or subordinate necessarily resides in the head of a department; and an occasional and prudent use of this power forms no ground of objection to the principal officer. It has not been shown to have been *abused* or *improperly exercised* in the case of Col. Ward, nor is there any ground of presumption whatsoever, that it has been so used. In this respect, we can find no just or justifiable cause of complaint against this officer. It is the only instance in which a departure from the most

rigid discipline has been permitted by him, and in no instance can it be found that he has ever approved of, allowed exceptions, deviations or measures, with a view to his own individual relief, benefit or interest.

The resolutions further directed our inquiries to the subject of fees charged at the Land Office, &c., the result whereof has been to show that the Spanish clerk has been permitted to charge for copies and translations of Spanish titles, when called for, to be used in suits pending in the courts of this and other States. Such copies and translations have always been prepared *out of the business hours of the office*; and from the original organization of the Land Office in Texas, it has been the uniform custom to allow fees of this description to be charged. It is conceived that no reasonable objection can be made to this custom, and for this cause it was not deemed important to ascertain the *annual amount* of such fees.

Inasmuch as the resolution referred to, further made it the duty of your committee to inquire whether the Commissioner had been guilty of any *malfesance in office*, we feel compelled, after strict and careful investigation in this behalf, to announce our conviction that the testimony adduced has signally failed to attach to the discredit of the Commissioner, in this respect, any probable cause or reasonable ground of guilt or *suspicion*. The statement of the witnesses was listened to and carefully examined by your committee, in connexion with other matters offered in evidence, and we would respectfully state that they have failed to establish any mismanagement in the Land Office, much less malfesance, all of which your committee would respectfully submit for your consideration.

J. H. LYONS,
SAM BOGART,
JAS. TRUIT.

Mr. Reagan, chairman of the committee on Public Lands made the following report:

The committee on public lands, to whom was referred a bill to be entitled "*an act for the relief of Isaac Delancy*," have had the same under consideration, and have instructed

me to report the bill back to the House, and to recommend its passage.

Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Reagan, chairman of the committee on public lands, also, made the following report:

The committee on public lands, to whom was referred the petition of Thomas J. Stell, have had the same under consideration, and have instructed me to report the accompanying bill, touching the object of the petitioner, and to recommend its passage.

Report received, and the bill read a first time.

Mr. McCown, one of the committee on county boundaries, made the following report:

The committee on county boundaries, to whom was referred a bill to be entitled "an act to create the county of Cooke," have had the same under consideration, and a majority of the said committee have instructed me to report the bill back to the House, and respectfully recommend its passage.

Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Bryan, chairman of the committee on engrossed bills, made the following report:

The committee on engrossed bills, have examined a bill to be entitled "an act for the relief of the widow and heirs at law of Maj. James L. Holmes."

A bill to be entitled an act to incorporate the Berkley Academy, of Montgomery county."

A bill to be entitled "an act to incorporate the town of Mount Pleasant, in Titus county;" and

A "joint resolution for the relief of Robert H. Beale, who was permanently disabled in the service of the country;" and find the same correctly engrossed."

Report accepted.

Mr. Fields, chairman of the select committee, made the following report:

The select committee, to whom was referred a resolution of the House, proposing a revision of the laws regulating estrays, have had the same under consideration, and have instructed me to report the accompanying bill, which the committee believes embodies every thing necessary to be enacted upon that subject.

Report received, and the bill

Read a first time.

Mr. Mosely introduced a bill to be entitled "an act defining the force and effect of official bonds."

Bill read a first time.

Mr. Davis of Liberty, introduced a bill to be entitled "an act to amend an act creating the county of Polk," approved March the 30th, 1846.

Bill read a first time.

Mr. Goode moved that the House proceed to the orders of the day.

Motion lost.

Mr. Fields introduced a bill to be entitled "an act to author-

ize Jacob F. Winfree to adopt Zachary Taylor Long, as his lawful child."

Bill read a first time.

Mr. Lott introduced a bill to be entitled "an act to extend the time to all resident citizens, who have settled under the provisions of an act to settlers on vacant public domain, *pre-emption* privileges."

Bill read a first time.

Mr. Bourland, by leave, as one of the committee on public lands, made the following report:

The committee on public lands, to whom was referred the petition of Theodore D. Maltby, who was permanently disabled in the service of the country, at the battle of Mier, have had the same under consideration, and have instructed me to report, that from investigation, they are satisfied that the petitioner is meritoriously entitled to the relief asked for in his petition, and recommend the passage of the bill providing for the grant of one league, and one labor of land, to said petitioner.

Report received, and laid upon the table to come up in its regular order.

On motion of Mr. Robertson,

The House proceeded to the orders of the day.

The chair announced a bill to be entitled "an act for the relief of McKinney and Williams," to be the special order of the day.

The substitute offered by Mr. Pease for the bill, was then taken up and read.

On motion of Mr. Bryan,

The bill was made the special order of the day for Wednesday next, the 9th inst.

A "joint resolution, cancelling University lands, in Nacogdoches land district, viz: leagues No. 1 and 2;"

Was taken up.

On motion of Mr. Lott,

The joint resolution was indefinitely postponed.

A bill to be entitled an act to authorize the opening and construction of a turnpike road from the city of Houston to the Brazos river;"

Was taken up, and

Read a second time.

Mr. Rayner moved the engrossment of the bill.

Motion carried, and

The bill ordered to be engrossed.

The substitute for the bill to be entitled "an act to compel owners and renters of cotton gins, to keep them enclosed so as to prevent stock from having access to the cotton seed thereof, by the eating of which, they may die;"

Was taken up,

Read and adopted.

Mr. Epperson moved the engrossment of the bill.

Motion carried, and

The bill ordered to be engrossed.

A bill (from the Senate,) to be entitled "an act for the relief of Patrick Reels;"

Was taken up, and

Read a second time.

On motion of Mr. Stout,

The bill was referred to the committee on public lands.

A "joint resolution, (from the Senate,) for the relief of those citizens of Texas who had their property taken off and destroyed by the Mexican government, during the revolution;"

Was taken up.

On motion of Mr. Pease,

The joint resolution was laid upon the table.

The report of the committee on the land office, in relation to the account of Uriah F. Case, deputy surveyor of Grimes county, was taken up, read and adopted.

The joint resolution instructing our Senators, and requesting our Representatives in the Congress of the United States to procure the passage of a law establishing two Districts for the United States District Court, in the State of Texas, together with the report of the joint committee on the part of the House, were taken up.

On motion of Mr. Stuart,

The resolution and report were laid on the table.

The substitute for a bill to be entitled "an act to provide for the removal of the Land Office of the Robertson Land District," reported by the committee on the Land Office, was taken up and read.

On motion of Mr. McNeill,

The bill was ordered to be engrossed.

On motion of Mr. Allen.

Mr. Robertson was added to the committee on State Affairs.

A bill to be entitled "an act to regulate Ferries," was taken up and read.

Mr. Crump moved that the bill be amended as follows:

1st—Make it "one foot in every twelve."

2d—Strike out of the 1st section, in the 5th line from the bottom, the word "ten," and insert the word "eight."

Amendments adopted.

On motion of Mr. Bryan,

The bill was made the special order of the day, for Wednesday next,

A bill to be entitled "an act requiring the Commissioners' Courts of Counties, to regulate roads and appoint overseers," together with the amendments to the bill reported by the committee on Roads and Public Highways, were taken up, and the amendments read and adopted.

Mr. Miller, of H., offered the following as an amendment to the bill:

Add "unless in time of war."

Amendment rejected.

On motion of Mr. Robertson,
The bill was then ordered to be engrossed.

A bill to be entitled "an act to incorporate the town of San Augustine," was taken up.

On motion of Mr. Dooley,
The bill was read a second time by its caption, and referred to the committee on the Judiciary.

A joint resolution confirming a certificate for one league and one labor of land, issued to John Vanderworth, by the Board of Land Commissioners of Austin county, together with the report of the committee on Public Lands thereon, were taken up, and the resolution read a second time.

Mr. Bourland moved the engrossment of the joint resolution.

Motion carried, and

The joint resolution ordered to be engrossed.

The report of the committee on Public Lands, in relation to the petition of Jasper Gilbert, was taken up, read and adopted.

Mr. Mosely moved a reconsideration of the vote of the House, which rejected the bill to be entitled "an act for the benefit of Booksellers."

Motion carried.

Mr. Robertson moved that the bill be laid upon the table.

Motion carried.

A bill to be entitled "an act to require all Mayors and Recorders of incorporated towns and cities, to call a jury in the trial of causes where the accused is subject, under the law, to fine and imprisonment, or either," was taken up, and read a second time.

Mr. Potter moved that the bill be referred to the committee on the Judiciary.

Motion carried, and reference made.

A bill to be entitled "an act to give to each county in this State, its own County Surveyor, Map and Records," together with the report of the committee on the Land Office thereon, were taken up, and the bill read a second time.

Mr. Sterne moved that the bill be engrossed.

[Mr. Reagan moved that the bill be laid upon the table.

Motion carried.

A message was received from the Senate, informing the House of the concurrence of that body in the resolution to go into the election of a State Treasurer and Comptroller of Public Accounts, for the State of Texas, on Monday, the 7th inst.

A joint resolution requesting our Senators and Representatives in the Congress of the United States, to have a law passed for the relief of the volunteer soldiery of Texas, together with the report of the committee on State Affairs thereon, were taken up.

On motion of Mr. Allen,

The joint resolution and report were laid upon the table.

The substitute for a joint resolution making an appropriation for the pay of the officers of the late Navy of Texas, was taken up.

Mr. Stuart offered the following as amendments to the resolution :

1st—Strike out "3333," in the 2d and 3d lines of the 1st section, and insert "2093."

2d—Insert before the name of Thomas P. Anderson, in the 1st and 2d sections, "the widow of."

3d—Strike out "to Com. E. W. Moore, twelve hundred and fifty dollars," in the same section.

4th—Strike out "\$4315 18," in the 2d section. 2d and 3d lines, and insert "\$2868 86."

5th—Strike out “to Com. E. W. Moore, \$1446 32,” in the 2d section.

6th—Strike out “\$697 74,” after the name of Thomas P Anderson, in the 2d section, and insert \$498 00.”

Amendments adopted.

Mr. Stuart then moved that the bill be engrossed.

The yeas and nays were called on the engrossment of the bill, and stood as follows:

Yeas—Messrs. Armstrong, Bryan, Crump, Crutcher, Dooley, Epperson, Lewis, Lott, Potter, Sterne, Stuart, Tankersley—12.

Nays—Messrs. Speaker, Bogart, Burroughs, Carothers, Davis of L., Eddy, Edwards, Fields, Gilliam, Goode, Hardiman, Haynie, Lyons, Miller of C., Miller of H., Mosely, McCown, McNeill, Pease, Perry, Rains, Rayner, Renfro, Reagan, Robertson, Runnels, Saddler, Shaw, Stout, Taylor, Truit, Walling, Winkler, Wheeler, White and Wren—36.

Motion lost.

Mr. Haynie moved a reconsideration of the vote just taken.

Mr. Robertson moved to lay the motion to reconsider on the table.

Motion lost.

Question—Shall the vote of the House, just taken, on the engrossment of the “joint resolution making an appropriation for the pay of the officers of the late Navy of Texas, be reconsidered?

The House decided in the negative.

A “joint resolution making an appropriation for the *pro rata* pay due E. W. Moore, Post Captain commanding the late Texas Navy,” under the provisions of an act of the Congress

of the Republic of Texas, approved Feb. 5th, 1844, was taken up, and

Read a third time.

The yeas and nays were called on the final passage of the joint resolution, and stood as follows :

Yeas—Messrs. Allen, Armstrong, Bogart, Bourland, Bryan, Crump, Crutcher, Davis of L., Dooley, Epperson, Goode, Hardeman, Haynie, Lewis, Lott, Lyons, Miller of C., Mosely, McCown, McNeill, Potter, Rayner, Robertson, Saddler, Shaw, Sterne, Stout, Stuart, Tankersley, Taylor, Walling and White—32.

Nays—Messrs. Speaker, Burroughs, Carothers, Edwards, Fields, Miller of H., Pease, Perry, Renfro, Reagan, Runnels, Truit, Winkler, Wheeler, and Wren—15.

Bill passed.

A bill to be entitled “an act for the relief of Liley, a colored woman,” was taken up,

Read a third time and passed.

On motion of Mr. Bourland,
The House adjourned until Monday morning, 10 o'clock.

House of Representatives,
Austin, Feb. 7, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names :
Messrs. Speaker, Allen, Armstrong, Bogart, Bourland,

Burroughs, Bryan, Crump, Crutcher, Davis, of L., Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardiman, Haynie, Keenan, Lott, Lyons, Miller of C., Miller of H., Mosely, McCown, McNeill, Perry, Rains, Rayner, Renfro, Reagan, Runnels, Saddler, Shannon, Shaw, Sterne, Stout, Stuart, Tankersley, Taylor, Truit, Walling, Wheeler and White.

A quorum being present,

The Journal of the preceding day was read and adopted.

Mr Armstrong, one of the Judiciary committee, made the following report :

The committee on the Judiciary, to whom was referred a bill to be entitled "an act appropriating the fines and forfeitures accruing to the State, by all suits and prosecutions in which the State is plaintiff, to the payment of the juries and witnesses in State cases and Clerks and Sheriffs, and the counties in which the fines are assessed, forfeitures accrue, or suits prosecuted to judgment in favor of the State," have had the same under consideration, and recommend the adoption of the accompanying substitute.

Report received, and the bill and substitute laid upon the table, to come up in their regular order.

Mr. Stuart, chairman of the committee on Finance, made the following report :

The committee on Finance, to which was referred a bill to be entitled "an act imposing a tax on certain lands, have had the same under consideration, and, in consequence of some disagreement of opinion in the committee, as to a legal question believed to be involved in the bill, have instructed me to report it back to the House, and to recommend its reference to the committee on the Judiciary.

Report read and adopted.

Mr. Stuart, chairman of the committee on Finance, also made the following report:

The committee on Finance, to whom was referred the petition of Jabez Dean, asking relief from the payment of double taxes, in the years 1844 and 1845, have had the same under consideration, and, seeing no sufficient cause for special legislative favor in this case have instructed me to report the petition back to the House, and to ask that they be discharged from its further consideration.

Report read and adopted.

Mr. Tankersley, one of the committee on Finance, made the following report:

The committee on Finance, to whom was referred a bill to be entitled "An act to raise a revenue by direct taxation," have had the same under consideration, and, a majority of said committee instruct the undersigned to report the accompanying substitute for the original bill, and to recommend it to the favorable consideration of the House.

The committee are aware that the substitute does not contain provisions, according, entirely with the wishes and views of each member: but upon mature deliberation, they are of opinion that the substitute proposes the only practicable system of equal direct taxation; and they are fully persuaded that any system levying *specific* taxation upon merchants, will prove in its operations, onerous and oppressive. The committee cannot refrain from entertaining the opinion that for the prosperity of the country, the merchant is as useful, as the farmer or mechanic: and as much entitled to the respect and protection of laws of the land as any class of the community. For it is conceded that the farmer, mechanic and merchant, are in a great degree, dependent upon each other, and so intimately connected, that without the one the other must fail to render that assistance to the country necessary to its prosperity; and in levying a tax for revenue, we should carefully avoid doing any class of individuals entitled to equal rights, injustice, by imposing

upon them unequal taxation ; which, in the opinion of the committee, is contrary to the letter and the spirit of the Constitution.

Taking this view of the subject, the committee deem a *specific* tax upon merchants, when they are, by the bill, required to pay an equal *ad valorem* tax upon their amount of capital stock, with the farmer and mechanic, unwise and inexpedient ; and they therefore left out of the substitute, the provision in the original bill imposing a *specific* tax upon merchants, and have substituted therefor a provision taxing all persons engaged in the sale of spirituous liquors, in quantities of a quart and over. They have also retained in the substitute submitted the amendment made by the House to the second section of the original bill.

All of which, the committee respectfully submit to the House, and ask its favorable consideration.

Report received, and the bill and substitute laid upon the table, to come up in their regular order.

A message was received from the Senate, informing the House of the passage by that body, of a bill, to be entitled "An act, authorizing Charles Covington; and his associates, to establish a Ferry across the river Yegua, and construct a causeway across the bottom lands thereof ;"

A bill, to be entitled "An act, to repeal the twelfth section of an Act, entitled an Act, regulating estrays, approved December the 22d, 1836 ;"

A bill to be entitled "An act to regulate proceedings by *certiorari* and *supercedeas*, in civil causes."

Mr. Stuart, chairman of the committee on Finance, made the following report :

The committee on Finance, to which was referred a bill to be entitled "An act to provide for the collection of taxes for the year 1846," have had the same under consideration, and instruc

me to report the same back to the House, with amendments, and to recommend its passage.

Report received, and the bill and amendments laid upon the table, to come up in their regular order.

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills have examined a bill to be entitled "An act, to reduce to its constitutional size, define the boundaries, and permanently locate the county seat of Henderson county ;

A bill to be entitled "An act to repeal the second and fourth sections of an act requiring the Commissioner of the General Land Office to issue patents upon unconditional headright certificates for land, approved May the 12th, 1846," and find the same correctly engrossed.

Report accepted.

Mr. Reagan introduced the following resolution :

Resolved, That the committee on State Affairs be instructed to enquire into the propriety of employing counsel to represent the State of Texas in the Federal Courts, in suits to which the State is a party, that have, or may be brought in said Courts; and that said committee be requested to report as early as practicable.

Resolution adopted.

Mr. Reagan also introduced a bill to be entitled "An act to increase the salary of the Attorney General."

Bill read a first time.

Mr. Potter introduced a bill to be entitled "An act authorizing

the Galveston City Company to change the plan of a certain block of lots in the city of Galveston ; and authorizing the city and county authorities to use one of the public squares of said city for city and county buildings.

Bill read a first time.

Mr. Lott moved to take from the table, and place among the orders of the day, a bill to be entitled "An act, to require each corporate county in this State, to have its own county surveyor, map and records."

Motion carried.

Mr. Robtson moved to take from the the table, and place among the orders of the day, a bill to be entitled "An act concerning the outstanding liabilities of the late Republic of Texas."

Motion carried.

On motion of Mr. Reagan,

The House proceeded to the orders of the day.

A bill to be entitled "An act to give to each corporate county in this State, its own county surveyor, map and records," was taken up, and read a second time.

On motion of Mr. Lewis,

The bill was referred to the committee on Public Lands.

A bill to be entitled "An act to prescribe in what cases the Governor may remit fines and forfeitures," was taken up read a third time and passed.

A bill to be entitled "An act to authorize a special tax to be levied upon the citizens of Harris county," was taken up, read a third time and passed.

A bill to be entitled "An act to establish the county seat of Grimes county," was taken up, read a third time and passed.

Mr. Saddler moved that a committee be appointed to invite the Honorable Senate to meet the House at 12, M., to go into the election of Comptroller of Public Accounts and State Treasurer.

The Speaker then appointed Messrs, Saddler, McCown and Haynie, to constitute said committee.

A bill to be entitled "An act to prohibit the Boards of Land Commissioners in each county in this State, from issuing certificates to any claimant whatsoever, unless the applicant or claimant shall, previously thereto, have received a conditional certificate from some competent Board," was taken up, and read a first time.

A bill to be entitled "An act incorporating the Houston Mechanics' Institute," was taken up and read a second time.

On motion of Mr. Tankersley,

The bill was ordered to be engrossed.

A bill to be entitled "An act to provide for ceding to the United States jurisdiction of certain lands in this State, for public purposes," together with the amendments proposed by the committee on the Judiciary, were taken up, and the amendments read and adopted.

On motion of Mr. Allen,

The bill was ordered to be engrossed.

Mr. Saddler, chairman of the Special Committee appointed by the House, to invite the Senate to meet in the Representative Hall at 12 o'clock, M., to go into the election of Comptroller of Public Accounts and a State Treasurer, reported the duty assigned said committee performed.

A "Joint resolution authorizing and requiring the Governor to subscribe for three hundred copies of the Reports of Decisions of the Supreme Court," together with the substitute reported by the committee on the Judiciary, therefor, were taken up, and the substitute read and adopted.

Mr. Fields offered the following as an amendment:

"Provided, That that there be \$1,800 in the Treasury for which the State has no other use."

Amendment rejected.

Mr. Tankersley moved that the bill be passed to a third reading.

Mr. Eddy moved that the bill be laid upon the table.

Motion lost.

Mr. Stuart moved to amend the bill by inserting the words "of the State and late Republic of Texas."

Amendment rejected:

Mr. Fields moved that the bill be referred to the committee on Finance.

Motion lost.

Mr. Allen moved that the bill be passed to a third reading.

Motion carried.

On motion of Mr. Stout,

The House took a recess of fifteen minutes, preparatory to going into the election of Comptroller of Public Accounts and a State Treasurer.

The term of the recess having expired, the House met.
The roll was called, and a quorum found present.

Mr. Eddy nominated for the office of Comptroller of Public Accounts, James B. Shaw, Esq.,

Mr. Potter moved that the two Houses proceed to the election of a Comptroller of Public Accounts, *viva voce*.

Motion carried.

The clerk then proceeded to call the roll, and the following members voted for James B. Shaw Esq.:

Messrs. Speaker, Allen, Armstrong, Bogart, Burroughs, Bryan, Carothers, Crutcher, Cunningham, Davis of L., Davis of R., Dooley, Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lewis, Lott, Lyons, Miller of C., Miller of H., Mosely, McCown, McNeill, Neal, Perry, Potter, Rains, Rayner, Renfro, Reagan, Robertson, Runnels, Saddler, Shannon, Shaw, Sterne, Stout, Stoddard, Stuart, Tankersley, Truit, Walling, Wheeler, White and Wren—52.

Messrs. Crump and Bourland were excused from voting on account of their belief of the unconstitutionality of the manner of electing the Comptroller.

The Speaker then declared James B. Shaw, Esq., duly and constitutionally elected Comptroller of Public Accounts for the term of two years.

The House then proceeded to the election of a State Treasurer.

Mr. Tankersley nominated James H. Raymond, Esq., for the office of State Treasurer.

There being no other nomination, the clerk proceeded to call the roll, and the following members voted for James H. Raymond, Esq.:

Messrs. Speaker, Allen, Armstrong, Bogart, Burroughs, Bryan, Carothers, Crutcher, Cunningham, Davis, of L., Davis, of R., Dooley, Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Rayner, Keenan, Lewis, Lott, Lyons, Miller, of C., Miller, of H., Mosely, McCown, McNeill, Neal, Perry, Potter, Rains, Rayner, Renfro, Reagan, Robertson, Runnels, Saddler, Shannon, Shaw, Sterne, Stout, Stoddard, Stuart, Tankersley, Taylor, Truitt, Walling, Wheeler, White and Wren—52.

The Speaker then declared James H. Raymond, Esq., duly and constitutionally elected State Treasurer for the term of two years.

The election of Comptroller of Public Accounts and State Treasurer having been gone through with, the Senate returned to their Chamber.

On motion of Mr. Tankersley,
The House adjourned until 3 o'clock, p. m.

3 o'clock, p. m.

A message was received from the Senate, informing the House of the passage by that body, of a bill to be entitled

"An Act to permit married women to devise their separate property," and a bill to be entitled

"An Act to provide for locating the Seat of Justice for the county of Newton."

Mr. Pease, chairman of the committee on the Judiciary, by leave, made the following report :

The committee on the Judiciary, to whom was referred a bill to be entitled "An Act to organize Probate Courts," have had the same under consideration, and have given to the subject that attention which its importance demands. The committee are aware, that the people throughout the State, are anxiously expecting that this Legislature will remedy some of the evils that now exist in our probate system, and, they have endeavored to prepare such bills as they think will, in some measure, meet the public expectation.

The committee propose to abolish the present Probate Courts, and to give the jurisdiction now exercised by them, to the County Courts; to be exercised, however, by the Chief Justice alone. For that purpose, they present herewith, a bill to be entitled "An Act to organize County Courts," which re-enacts the present law, with such alterations as are necessary to give the Court jurisdiction in Probate matters.

They also, present herewith, a bill to be entitled "An Act to regulate the proceedings in the County Court, pertaining to estates of deceased persons;" this bill is lengthy, but on a careful perusal of it, it will be found that no part of it could well be omitted.

The committee will, in a few days, be prepared to report another bill, respecting the appointment, powers and duties of guardians; these three bills will embrace all the subjects treated of by the original bill referred to them.

The committee recommend that the two bills now reported, be adopted as substitutes for those parts of the original bill to which they relate, and that they be passed by the House.

On motion of Mr. Tankersley,

The report and bills, were made the special order of the day for to-morrow, the 8th inst.

The bills which originated in the House, and were passed by the Senate with amendments, were taken up.

A bill to be entitled "An Act better defining the boundaries of Nueces county," with an amendment by the Senate.

Amendment read and concurred in.

A bill to be entitled "An Act to create the county of Starr," with amendments by the Senate.

Amendments read and concurred in.

A bill to be entitled "An Act to define the county boundaries of Goliad county, with amendments by the Senate.

Amendments read and concurred in.

A bill to be entitled "An Act to create the county of Cameron," with amendments by the Senate.

Amendments read and concurred in.

A "Joint Resolution authorizing the Comptroller of Public Accounts, to provide a residence in the city of Austin, for the use of the Executive of the State," with amendments by the Senate.

Amendments read and concurred in.

A bill to be entitled "An Act to provide for the assessment and collection of taxes," was taken up and read.

Mr. Stuart moved that the bill be taken up by sections.

Motion carried.

Mr. Bourland offered the following as an amendment:

In the 3d line of the 1st section, after the word "on," insert "first Monday of August, 1848, and every two years thereafter, until otherwise provided by law."

Amendment adopted.

Mr. Bourland, also, offered the following as an amendment :

Fill the blank in the 1st section, with "two."

Amendment adopted.

Mr. Fields offered the following as an amendment :

Strike out the three last lines of the 1st section, as in the printed bill, and insert the following : "And the assessors and collector, as aforesaid, shall hold his office for and during the unexpired time of his predecessor, and until his successor shall have been qualified."

On motion of Mr. Miller, of H.,

The 1st section of the bill as amended, was adopted.

The 2d section of the bill was then read.

On motion of Mr. Tankersley,

The blank was filled with "August."

Mr. Tankersley moved to strike out the words "Be it further enacted."

Motion carried.

Mr. Mosely offered the following as an amendment :

After the word "bond," in the 8th line, insert "which bond shall have the force and effect of a judgment lien upon all property of the obligors in the bond."

The yeas and nays were called on the adoption of the amendment, and stood as follows :

Yeas—Messrs. Bourland, Epperson, Haynie, Miller, of H., Mosely, Saddler, Shaw, Stout, Truitt, White and Wren—12.

Nays—Messrs. Speaker, Allen, Armstrong, Bogart, Bryan, Carothers, Crutcher, Cunningham, Davis, of L., Davis, of R., Dooley, Eddy, Edwards, Fields, Goode, Hardeman, Lott, Lyons, Miller, of C., McCown, McNeill, Neal, Pease, Perry, Potter, Rains, Rayner, Renfro, Reagan, Runnels, Shannon, Sterne, Stuart, Tankersley, Taylor, Walling and Wheeler—37.

Amendment rejected.

On motion of Mr. Eddy,
The 2d section of the bill, as amended, was adopted.

The 3d section of the bill was then read.

On motion of Mr. Sterne,
The blank was filled with "August."

Mr. Tankersley moved to strike out the words "Be it further enacted."

Motion carried.

On motion of Mr. Stout,
The 3d section of the bill, as amended, was adopted.

The 4th section of the bill was then read.

Mr. Bourland offered the following as an amendment :

After the word "of," in the 6th line of the 4th section, insert "March and June."

Mr. Taylor moved to insert "March and July."

Mr. Stuart moved to insert "September and January."

Mr. Tankersley moved to insert "1st day of January and 1st day of June," which was accepted by Mr. Bourland.

The sense of the House was then taken on Mr. Bourland's amendment, as amended.

Amendment adopted.

Mr. Stout moved to strike out the words "Be it further enacted."

Motion carried.

Mr. Burroughs moved to strike out the word "that," after "Be it further enacted."

Motion lost.

The 4th section of the bill, as amended, was adopted.

The 5th section of the bill was then read:

Mr. Tankersley moved to strike out the words "Be it further enacted," wherever they occur in the bill.

Motion carried.

On motion of Mr. Bogart,

The 5th section of the bill, as amended, was adopted.

The 6th section of the bill was then read.

Mr. Miller, of H., offered the following as amendment:

Insert after the word "recovered," in the 6th line of the section, "by motion of the assessor and collector."

Amendment rejected.

Mr. Mosely offered the following as an amendment:

In the 5th line of the section, strike out and insert "such assessor and collector shall report the same under oath to the nearest Justice of the Peace, who shall order the assessor and collector, by his warrant, to take so much of the personal property into his possession, as will amount to double the amount of the taxes assessed the preceding year, and sell the same

after giving ten days notice, and apply the proceeds to the payment of the taxes of such person for that yeas, and to the payment of all costs."

Amendment rejected.

On motion of Mr. Hardeman,
The 6th section of the bill, as amended, was adopted.

The 7th section of the bill was then read.

Mr. Taylor moved to fill the blank with the "1st of June."

Mr. Goode moved to fill the blank with the first of March

On motion of Mr. Bourland.

The blank was filled with the "1st of January," and the section further amended by inserting "agent," after the word "administrator," in the 3d line.

Mr. Mosely moved to strike out of the 7th line, the words, "and the party rendering the same," and insert, "two disinterested freeholders."

Amendment rejected.

On motion,

The 7th section of the bill as amended, was adopted.

The 8th section of the bill was then read.

On motion of Mr. Tankersley,

The 8th section of the bill was adopted without amendment.

The 9th section of the bill was then read.

On motion of Mr. Sterne,

The 1st blank was filled with the "1st of July."

On motion of Mr. Stout,

The second blank was filled with the "1st of September."

On motion,

The 9th section of the bill, as amended, was adopted.

The 10th section of the bill was then read.

On motion of Mr. Tankersley,

The 10th section of the bill was adopted, without amendment.

The 11th section of the bill was then read.

Mr. Neal moved to strike out the word "and," in the 2d and 5th lines, and insert "or."

Amendment rejected.

On motion,

The 11th section of the bill was adopted, without amendment.

The 12th section of the bill was then read.

Mr. Potter moved to strike out "a," after the word "county," in the 14th line, and insert "one half of the."

Amendment adopted.

On motion,

The 12th section of the bill as amended, was adopted.

The 13th section of the bill was then read.

Mr. Reagan moved to strike out all, after the word "shall," in the 4th line, and insert, "give a notice, of not less than twenty days, to be post up at not less than public places, in each civil precinct, of the day, or days upon which he will attend, at the usual place of holding elections, in such precinct, for the purpose of receiving the taxes due from the citizens of said precinct."

Amendment rejected.

On motion,

The 13th section of the bill was adopted without amendment.

The 14th section of the bill was then read.

On motion of Mr. Tankersley.

The blank was filled with the 1st of November."

Mr. Mosely offered the following as an amendment:

After the word "taxes," in the last line, insert, "and, in case such property is about to be removed out of the county, the Assessor and Collector shall, in like manner, proceed to take into his possession, so much property as will pay the taxes assessed."

Amendment adopted.

On motion of Mr. Tankersley,

The vote filling the blank with the "1st of November," was reconsidered.

Mr. Tankersley then moved to insert the "1st of September."

Motion carried.

On motion,

The 14th section of the bill as amended, was adopted.

The 15th section of the bill was then read.

On motion of Mr. Tankersley,

The 15th section of the bill was adopted without amendment.

The 16th section of the bill was then read.

Mr. Runnels moved to add at the end of the section, "or within two years thereafter, upon the payment of treble said amount, with legal interest thereon, to the purchaser."

Amendment-rejected.

Mr. Pease moved to strike out of the 4th line, the words, "shall be as binding, and as valid as any other instrument of conveyance," and insert the words, "shall be *prima facie* evidence that all the requirements of the law, have been complied with, in making such sale.

Amendment adopted.

The 16th section of the bill, as amended, was adopted.

The 17th section of the bill was then read.

Mr. Pease moved to strike out all of the section, after the 3d line, and insert the following in lieu thereof: "To the Assessor and Collector of the county where he resides, or to the Comptroller of Public Accounts: *Provided, however,* that the taxes of such person be paid to the said Assessor and Collector, or Comptroller of Public Accounts on or before the 1st day of September, after the same were assessed. And it shall be the duty of the Assessor and Collector, to pay all such taxes, to the Comptroller; and furnish him with a list of all persons paying such taxes to him, and the county in which the property is situated, upon which such taxes were paid. And it shall be the duty of the Comptroller, to receive, and enter to the credit of the Collector of the proper county, the county taxes due to such county, which may be received by the Comptroller from any tax payer, or from the tax Collectors of other counties.— And it shall be the duty of the Comptroller, to furnish a list of all such taxes, so paid to him, together with the names of the persons paying the same, to the Assessor and Collector of the county, for which such taxes were paid.

Amendment rejected.

Mr. Reagan offered the following as an amendment.

After the word "Comptroller," in the 5th line, insert "or to the Assessor and Collector of the county, in which the property may be situated."

Amendment adopted.

Mr. Hardeman moved to fill the blank with "1st of October."

Motion lost.

On motion of Mr. Bourland,
The blank was filled with the "1st of September."

The yeas and nays were then called on the adoption of the 17th section of the bill as amended, and stood as follows:

Yeas—Messrs. Speaker, Allen, Bogart, Bourland, Carothers, Crutcher, Cuninghame, Davis of L., Davis of R., Dooley, Epperson, Fields, Hardeman, Lott, Lyons, Miller of C., Miller of H., Mosely, McCown, McNeill, Perry, Runnels, Shannon, Shaw, Sterne, Stout, Stuart, Tankersley, Taylor, Walling, White and Wren—32.

Nays—Messrs. Armstrong, Burroughs, Bryan, Eddy, Edwards, Goode, Haynie, Pease, Potter, Rains, Rayner, Renfro, Reagan, Truit and Wheeler—15.

Adopted.

The 18th section of the bill was then read.

There being no amendments proposed, the 18th section of the bill was adopted, without amendment.

The 19th section of the bill was then read.

On motion of Mr. Taylor,
The 19th section of the bill was adopted, without amendment.

The 20th section of the bill was then read.

Mr. Hardeman moved to fill the blank with "December:

Motion lost.

Mr. Mosely moved to insert "October."

Motion lost.

Mr. Stout moved to insert "January."

Motion lost.

Mr. Epperson moved to fill the blank with the "1st of November;" and that the section as amended, be adopted.

Motion carried.

The 21st section of the bill was then read.

Mr. Tankersley moved to fill the blank with the "1st of July."

Motion carried.

On motion of Mr. Tankersley,
The vote just taken was reconsidered.

Mr. Stout moved to fill the blank with the "1st of October."

Motion carried.

The 21st section of the bill, as amended, was adopted.

The 22nd section of the bill was then read.

Mr. Potter offered the following, as an amendment:

Strike out the words, "the same," before the words "percent," in the 10th line, and insert "one half of the like,"

Amendment adopted.

On motion of Mr. Taylor,
The 22nd section of the bill as amended, was adopted.

The 23d section of the bill was then read.

Mr. Reagan moved to add at the end of the section, "and shall be subject to presentment and indictment, by the Grand Jury, for malfeasance; and, upon conviction, shall be fined, in a sum, of not less than ten, nor more than fifty dollars, to be paid, when collected, into the county Treasury."

Amendment adopted.

On motion of Mr. Stout,

The 23d section of the bill as amended, was adopted.

The 24th section of the bill was then read.

Mr. Bogart moved that the House adjourn until to-morrow morning 10 o'clock.

Motion lost.

Mr. Walling moved that a call of the House be made.

Mr. McCown renewed the motion for a call of the House.

Motion lost.

Mr. Goode moved that the House adjourn until to-morrow morning, 10 o'clock.

Motion lost.

Question—Shall the 24th section of the bill be adopted without amendment?

The House decided in the negative.

Mr. Mosely moved to add at the end of the section, "and upon conviction shall be fined one thousand dollars and imprisoned, not less than five years in the Penitentiary."

Motion lost.

Mr. Lyons moved to strike out all after the word "suit," in 7th line.

Mr. Crutcher moved to amend the amendment, by striking out all after the word "county," in the 6th line.

Motion carried.

Question—Shall the motion as amended, be adopted by this House?

The House decided in the affirmative.

The 24th section of the bill, as amended, was adopted.

The 25th section of the bill was then read.

On motion,

The 25th section of the bill was adopted without amendment.

The 26th section of the bill was then read.

Mr. Stuart moved to strike out the word "who," in the 1st line.

Motion carried.

Mr. Mosely moved to amend by striking out all after the words "to sue &c," in the 5th line, and inserting "to take into his possession, sufficient property of any delinquent tax payer, for the payment of the taxes due, and shall proceed to sell the same, in the same manner as property levied upon by execution."

Amendment rejected.

On motion of Mr. Stout,

The 26th section of the bill, as amended, was adopted.

Mr. Stuart moved that the House adjourn until to-morrow morning 10 o'clock.

Mr. Sterne moved that the House adjourn until half past 9 o'clock, to-morrow morning.

Motion lost.

Mr. Davis of Robertson, moved that the House adjourn until to-morrow morning, 10 o'clock.

Motion lost.

Mr. Stuart moved the engrossment of the bill.

Mr. Fields moved to add the following section to the bill:

SEC. 27. *Provided*, That it shall not be lawful for any County Court to give the certificate of approval, provided for in section 12, until the assessor and collector exhibit to the court a written or printed affidavit, signed by the tax payer, on his tax list; which affidavit shall be in the following words: "I, A. B., do solemnly swear that the list of taxable property, furnished by me to the assessor and collector of taxes, for the present year, contains a true and perfect account of all and every species of taxable property, belonging to me, or in my possession, on the 1st day of January, of the present year, within this State; and that no change, or removal of property, or collusion sale, hath been made, or entered into, in order to evade the payment of taxes, so help me God."

Mr. Miller of Houston, moved to amend the amendment, by inserting the words, "to the best of my knowledge and belief," to come in before the words "so help me God."

Motion lost.

Question: Shall the bill now under consideration of the House be engrossed?

The yeas and nays were called on the engrossment of the bill, and stood as follows:

Yeas—Messrs. Speaker, Allen, Bourland, Carothers, Crutcher, Cunningham, Davis of L., Fields, Hardeman, Lyons, Miller of C., Miller of H., McCown, McNeill, Perry, Shaw, Stout, Stuart, Tankersley, Taylor, Walling, White and Wren—23.

Nays—Messrs. Bogart, Burroughs, Bryan, Davis of R., Eddy, Edwards, Epperson, Goode, Haynie, Mosely, Pease,

Potter, Rains, Rayner, Reagan, Runnels, Saddler, Shannon, Sterne, Truit and Wheeler—21.

Carried.

On motion of Mr. Stuart,

The House adjourned until to-morrow morning, 10 o'clock.

House of Representatives,
Austin, Feb. 9th, 1848.

The House met pursuant to adjournment.

The Roll was called;

And the following members answered to their names :

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Carothers, Crump, Crutcher, Cunningham, Davis of L., Davis, of R., Eddy, Edwards, Epperson, Fields, Goode, Hardeman, Haynie, Keenan, Lott, Lyons, Miller of C., Miller of H., Mosely, McCown, McNeal, Pease, Perry, Potter, Rains, Rayner, Renfro, Reagan, Railey, Saddler, Shaw, Sterne, Stout, Stuart, Tankersley, Taylor, Truit, Walling, Winkler, Wheeler and Wren.

A quorum being present,

The journal of the preceding day was read and adopted.

Mr. Crump presented the petition of Allen Kellough, together with a joint resolution for his relief.

The petition and joint resolution were on motion,

Referred to the committee on public lands, without reading.

Mr. Walling presented the petition of Henry M. Smith.

On motion,

The petition was referred to the committee on public lands, without reading.

Mr. Pease, chairman of the committee on the judiciary, made the following report:

The committee on the judiciary, to whom was referred a bill to be entitled "an act to amend an act to incorporate the town of Nacogdoches, and other towns, approved June the 5th, 1837;" have considered the same, and perceiving many objections to the bill, have prepared the accompanying bill, to be entitled "an act to incorporate the city of Nacogdoches," and recommend that it be adopted as a substitute for the original bill.

Report received, and the bill and substitute laid upon the table, to come up in their regular order.

Mr. Allen, chairman of the committee on State affairs, made the following report:

The committee on State affairs, to whom was referred a bill to be entitled "an act authorizing the appointment of a fiscal agent, and for the better security of the revenue," have instructed me to report the same back to the House, with the recommendation that it be indefinitely postponed.

Report received, and

The bill laid upon the table, to come up in its regular order.

Mr. Allen, chairman of the committee on State affairs; also, made the following report:

The committee on State affairs, to whom was referred a

bill to be entitled "an act to incorporate the Galveston Steam Ferry Freight and Towboat Company," together with the petition of sundry citizens of Galveston county, praying that such a law may be passed, have had the same under consideration, and have instructed me to report the same back to the House, without amendment, and to recommend that the bill be passed.

Report received, and

The bill laid upon the table, to come up in its regular order.

Mr. Allen, chairman of the committee on State affairs, also, reported as follows:

The committee on State affairs, to whom was referred a bill to be entitled "an act requiring the sheriff and clerks of the several counties of this State to keep their offices at the place of holding the courts," have after consideration of the same, instructed me to report the bill back to the House, with an amendment, and to recommend the bill and amendment to the favorable consideration of the House.

Report received, and

The bill and amendment laid upon the table, to come up in their regular order.

Mr. Eddy, one of the committee on State affairs, made the following report:

The committee on State affairs, to whom was referred a bill to be entitled "an act to regulate the sale, vending or distribution of patent or secret medicines," after due consideration of the same, have instructed me to report the bill as amended to the House, and recommend its passage.

Report and bill received, and

Laid upon the table, to come up in their regular order.

Mr. Keenan, chairman of the committee on education, made the following report:

The committee on education, to whom was referred a bill to be entitled "an act to incorporate the Republican Academy in the county of Harrison," have had the same under consideration, and instruct me to report a substitute for the original bill, and to recommend its passage.

Report received, and

The bill and substitute laid upon the table to come up in their regular order.

Mr. Cunningham, chairman of the committee on privileges and elections, made the following report:

The committee on privileges and elections, to whom was referred a bill to be entitled "an act for the punishment of illegal voting, and for other purposes," have had the same under consideration, and a majority of said committee have instructed me to report the bill back to the House, and to recommend that it be laid upon the table.

Report received, and

The bill laid upon the table, to come up in its regular order

Mr. Cunningham, chairman of the committee on privileges and elections, also, made the following report:

The committee on privileges and elections, to whom was referred a bill to be entitled "an act regulating elections," have had the same under consideration, and a majority of said committee, have instructed me to report the same back to the House, with amendments, and to recommend their adoption, and the passage of the bill.

Report received, and

The bill with amendments laid upon the table, to come up in their regular order.

Mr. Bryan, chairman of the committee on engrossed bills, made the following report:

The committee on engrossed bills, have examined a bill to be entitled "an act to make an improved charter of Goliad city."

A bill to be entitled "an act to remove the land office of the Robertson land district, from Franklin in Robertson county, to Springfield, in Limestone county."

A bill to be entitled "an act to authorize the opening and construction of a Turnpike road, from the city of Houston to the Brazos river."

A bill to be entitled "an act to provide for the exchange of books, maps, charts, &c."

A "joint resolution, confirming a certificate for one league, and one labor of land, issued to John Vanderworth, by the board of land commissioners of Austin county."

A bill to be entitled "an act to provide for enclosing cotton gins;" and

A "joint resolution for the relief of Ford and Cronican, public printers,"

And find the same correctly engrossed.

Mr. Stout introduced a bill to be entitled "an act for the relief of the heirs of Alfred Moore, deceased."

Bill read a first time.

Mr. Winkler introduced a bill to be entitled "an act to authorize persons who have located their land claims upon lands not vacant at the time of making their locations, to lift and relocate them."

Bill read a first time.

On motion of Mr. McCown,

The House proceeded to the orders of the day.

The substitute offered by Mr. Pease, for the bill to be entitled "an act for the relief of McKinney & Williams," being the special order of the day,

Was taken up and read.

The yeas and nays were called on the adoption of the substitute, and stood as follows:

Yeas—Messrs. Speaker, Burroughs, Edwards, Fields, Miller of H., Pease, Renfro, Reagan, Raily, Rummels, Stoddard and Tankersley—12.

Nays—Messrs. Allen, Armstrong, Bogart, Bourland, Bryan, Carothers, Crump, Crutcher, Cunningham, Davis of L., Davis of R., Dooley, Eddy, Epperson, Goode, Hardeman, Haynie, Keenan, Lott, Lyons, Miller of C., Mosely, McCown, McNeill, Perry, Potter, Rains, Rayner, Robertson, Saddler, Shaw, Sterne, Stout, Stuart, Taylor, Truit, Walling, Winkler, White Willie and Wren—41.

Substitute rejected.

Mr. Henderson proposed the following as an amendment to the bill:

Insert, at the end of the second section of the bill, the following:—

Provided, That, in all cases, the defendant shall pay *all costs* the State or Republic have been put to in prosecuting such claim against any individual, under the provisions of this act."

Amendment adopted.

Mr. Cunningham introduced a substitute for the bill for the relief of McKinney & Williams, to be entitled "An act to allow off-sets in certain cases."

Substitute read.

The yeas and nays were called on the adoption of the substitute, and stood thus:

Yeas—Messrs. Allen, Armstrong, Bogart, Bourland, Bryan,

Carothers, Crump, Crutcher, Cunningham, Davis of L., Davis of R., Dooley, Epperson, Goode, Haynie, Keenan, Lyons, Miller of C., Mosely, McCown, McNeill, Perry, Potter, Rains, Rayner, Robertson, Shaw, Sterne, Stout, Stuart, Taylor, Truit, Walling, Winkler, White, Willie and Wren—37.

Nays—Messrs. Speaker, Burroughs, Eddy, Edwards, Fields, Hardeman, Lott, Miller of H., Pease, Renfro, Reagan, Railey, Runnels, Saddler, Stoddard, Tankersley and White—17.

Substitute adopted.

Mr. Reagan offered the following as an amendment:

“Excepting such persons as are defaulters to the government.”

The yeas and nays were called on the adoption of the amendment, and stood as follows:

Yeas—Messrs. Speaker, Bogart, Burroughs, Dooley, Eddy, Edwards, Fields, Hardeman, Lott, Miller of Houston, Mosely, Pease, Renfro, Reagan, Railey, Runnels, Saddler, Stout, Stoddard, Tankersley Taylor, Winkler, Wheeler and Wren—24.

Nays—Messrs. Allen, Armstrong, Bourland, Bryan, Carothers, Crump, Crutcher, Cunningham, Davis of L., Davis of R., Epperson, Goode, Haynie, Keenan, Lyons, Miller of Colorado, McCown, McNeill Perry, Potter, Rains, Rayner, Robertson, Shaw, Sterne, Truit, Walling, White and Willie—29.

Amendment rejected.

Mr. Tankersley offered the following as an amendment:

Add, after the word “recovered,” “or upon which suit may hereafter be instituted.”

The yeas and nays were called on the adoption of the amendment, and stood as follows:

Yeas—Messrs. Speaker, Burroughs, Edwards, Fields, Hardeman, Miller of H., Pease, Renfro, Reagan, Railey, Runnels, Stoddard, Tankersley and Wheeler—14.

Nays—Messrs. Allen, Armstrong, Bogart, Bourland, Bryan,

Carothers, Crump, Cunningham, Crutcher, Davis of L., Davis of R., Dooley, Epperson, Goode, Haynie, Keenan, Lott, Miller of C., Mosely, McCown, McNeill, Perry, Potter, Rains, Rayner, Robertson, Saddler, Shaw, Sterne, Stout, Stuart, Taylor, Truit, Walling, Winkler, White, Willie and Wren—38.

Amendment rejected.

Mr. Cunningham in the chair.

Mr. Carothers moved the engrossment of the bill.

Mr. Runnels offered the following as an amendment:

After the words "Equal amount," insert "in the amount of such claim or claims as they may hereafter be graduated by law."

Mr. Robertson called for the previous question.

The yeas and nays were called, and stood thus :

Yeas—Messrs. Allen, Armstrong, Bourland, Bryan, Carothers, Crutcher, Cunningham, Davis of L., Davis of R., Dooley, Epperson, Goode, Haynie, Keenan, Lott, McCown, Perry, Potter, Rains, Rayner, Robertson, Saddler, Shaw, Sterne, Stout, Stuart Taylor, Truit, Walling, White and Willie—31.

Nays—Messrs. Speaker, Bogart, Burroughs, Edwards, Fields, Hardeman, Miller of C., Miller of H., Mosely, McNeill, Pease, Renfro, Reagan, Railey, Runnels, Stoddard, Tankersley, Winkler, Wheeler and Wren—20

Carried.

Question—shall the bill now under consideration of the House, be engrossed?

The yeas and nays were called on the engrossment of the bill, and stood as follows :

Yeas—Messrs. Allen, Armstrong, Bogart, Bourland, Bryan, Carothers, Crump, Crutcher, Cunningham, Davis of L., Davis of R., Dooley, Epperson, Goode, Haynie, Keenan, Lott, Miller of C., McCown, Perry, Potter, Rains, Rayner, Robertson, Shaw, Sterne, Stout, Stuart, Taylor, Truit, Walling, White and Willie—33.

Nays—Messrs. Speaker, Burroughs, Edwards, Fields, Hardeman, Miller of H., Railey, Runnels, Saddler, Stoddard, Tankersley, Winkler, Wheeler and Wren—19.

Carried, and the bill ordered to be engrossed.

A "Joint resolution for the relief of J. Harris Catlin," together with the report thereon, of the select committee, were taken up.

Mr. Keenan moved that the joint resolution be engrossed.

Mr. Pease moved that a call of the House be made.

Motion carried.

On motion of Mr. Stout,

Mr. Gilliam was excused from answering to the call of his name, on account of the indisposition of that gentleman.

On motion of Mr. Dooley,

Mr. Lewis was excused from answering to the call of his name, on account of sickness.

The roll having been called, a quorum was found to be present.

Question—shall the "Joint resolution for the relief of J. Harris Catlin" be engrossed?

The yeas and nays were called on the engrossment of the bill, and stood thus:

Yeas—Messrs. Allen, Armstrong, Bourland, Bryan, Carothers, Crump, Crutcher, Cunningham, Davis of L., Davis of R., Dooley, Eddy, Epperson, Fields, Goode, Haynie, Keenan, Lott, Miller, of C., Mosely, McCown, McNeill, Perry, Potter, Rains, Rayner, Robertson, Railey, Runnels, Shaw, Sterne, Stout, Stoddard, Stuart, Tankersley, Taylor, Truit, Webb, Walling, White, Willie and Wren—42.

Nays—Messrs. Speaker, Bogart, Burroughs, Edwards, Hardeman, Miller of H., Pease, Reagan, Saddler, Winkler and Wheeler—11.

Carried, and the joint resolution ordered to be engrossed.

Mr. Davis, of Robertson, asked to be excused from voting.
The House refused to excuse.

Mr. Crutcher moved that the House adjourn until 3 o'clock,
p. m.

Mr. Sterne moved that the House adjourn until to-morrow
morning, 10 o'clock.

Motion lost.

The sense of the House was then taken on Mr. Crutcher's
motion to adjourn.

Motion carried.

3 o'clock, p. m.

The House met pursuant to adjournment.

The Roll was called,

And a quorum was found present.

By leave, Mr. Tankersley introduced a bill to be entitled "An
act, for the relief of Alexander Somerville."

Bill read a first time.

A bill to be entitled "An act to define the southern boundary
line of Collin and Denton counties, and the northern boundary
line of Dallas and Henderson counties," was taken up, and
read a third time.

On motion of Mr. Eddy,

The bill was laid upon the table.

A bill, to be entitled "An act, to amend the fourth section of
an act, to organize new counties," together with a substitute
therefor, offered by the committee on the Judiciary," were taken
up, and the substitute read and adopted.

Mr. Miller, of Houston, moved the engrossment of the bill.

Motion carried, and the bill ordered to be engrossed.

A bill to be entitled "An act, making appropriation for Educational purposes," was taken up, and read a second time.

Mr. Lott moved the engrossment of the bill.

Motion carried, and the bill ordered to be engrossed.

A bill to be entitled "An act to suspend the further introduction of emigrants, into the colonies, under contracts made with the Presidents of the late Republic of Texas," was taken up, and read, together with the report thereon, of the committee on State Affairs, recommending that the bill be laid upon the table.

Question—shall the report of the committee on State Affairs, relative to the bill now under consideration of the House, be adopted?

Mr. Lott moved that a call of the House be made.

Motion lost.

Mr. Bogart moved that a call of the House be made.

Motion carried.

The roll was then called,

And a quorum found present.

Mr. Miller, of Houston, moved that the call be suspended.

Motion carried.

The sense of the House was then taken on the adoption of the report.

Report adopted.

A bill to be entitled "An act, to amend the third section of an Act, entitled an Act, concerning slaves, approved February the 5th, 1840," was taken up,

Read a third time and passed.

A bill, to be entitled "An act, concerning the burning of the woods and prairies," together with a substitute therefor, offered by the committee on the Judiciary, were taken up and read, and the substitute adopted.

Mr. Haynie moved the engrossment of the bill.

Motion carried, and the bill ordered to be engrossed.

The report of the committee on State Affairs, recommending that the petition of Eliphas Spencer be laid upon the table, was taken up, read and adopted.

A bill to be entitled "An act, to require the Attorney General to investigate the condition of the titles to the various Islands within the limits of Texas; and, if it be expedient, to cause legal proceedings to be instituted against persons claiming the same adversely to the State," was taken up and read a second time.

On motion of Mr. Bogart,

The bill was passed to a third reading.

The report of the committee on the Judiciary, recommending that sundry bills be laid upon the table, was taken up, read and adopted.

A bill to be entitled "An act to regulate the issuance of certificates for land to the soldiers of the First Regiment of Infantry, of the late Republic of Texas, or to their heirs or assigns," together with the report of the committee on the Judiciary thereon, recommending that the bill be laid upon the table, were taken up, and the report read and adopted.

A bill to be entitled "An act prohibiting bonds, deeds, patents, or other evidence of title to land, from being received as evidence in certain cases," was taken up and read.

Mr. Sterne moved the engrossment of the bill.

Mr. Pease moved that the bill be referred to the committee on the Judiciary.

Motion carried.

A bill to be entitled "An act to carry into effect a portion of an Ordinance adopted in Convention, on the 27th day of August, 1845," together with a substitute therefor, offered by the committee on Public Lands, were taken up; and the substitute read and adopted.

Mr. Dooley moved that the bill be laid upon the table.

Motion carried.

The report of the committee on Claims and Accounts, recommending that the petition of William T. Jackson be referred to the committee on Public Lands, was taken up, read and adopted.

The report of the select committee appointed to examine Hutchinson's digest of the laws of Texas, requesting to be discharged from the further consideration of the matter, was taken up, read and adopted.

A bill to be entitled "An act to establish a State Library, and to create a Library Fund," was taken up and read a second time. On motion of Mr. Tankersley, The bill was referred to the committee on State Affairs.

A bill to be entitled "An act to incorporate the Cass Academy," together with an amendment, offered by the committee on Education, were taken up and read, and the amendment adopted.

Mr. Moseley moved the engrossment of the bill.

Motion carried, and the bill ordered to be engrossed.

A joint resolution for the relief of the heirs or legal representatives of R. G. Hall, deceased, was taken up, and

Read a second time.

Mr. Reagan moved the engrossment of the joint resolution. Motion carried, and the resolution ordered to be engrossed.

A bill to be entitled "An act to provide for the enumeration of the inhabitants of the State of Texas, in the year 1848," was taken up.

On motion of Mr. Lott,

The bill was made the special order of the day for Saturday next.

A bill to be entitled "An act regulating attachments," was taken up,

On motion of Mr. Tankersley,

The bill was read a third time by its caption and passed.

A bill to be entitled "an act to provide for digesting the laws of the State," was taken up.

On motion of Mr. Robertson,

The bill was read a second time by its caption, and referred to the committee on the Judiciary.

A bill to be entitled "an act to amend an act entitled, an act for the relief of Master Builders and Mechanics, approved January the 23d, 1838, was taken up and

Read a second time.

On motion of Mr. Miller, of H.. the bill was ordered to be engrossed.

A bill to be entitled "an act to authorize and require the Secretary of State to cause all of the unbound enrolled acts and joint resolutions of the late Republic of Texas, and of the first Legislature of the State of Texas, to be substantially bound for preservation in his office," together with the report thereon by the committee on State Affairs, were taken up and read.

On motion of Mr. Eddy,

The bill and report were laid upon the table.

A bill to be entitled "an act to provide for printing the laws and journals of the State," was taken up, and

Read a second time.

On motion of Mr. Tankersley,

The bill was referred to the committee on Printing.

A bill to be entitled "an act to better define the boundaries of Walker county," was taken up, and

Read a second time.

On motion of Mr. Keenan,

The bill was ordered to be engrossed.

A "joint resolution authorizing the transfer of one half of a certain lot in the city of Austin, on certain conditions," was taken up, and

Read a second time.

On motion of Mr. Robertsen,

The joint resolution was ordered to be engrossed.

A bill to be entitled "an act to incorporate the city of Lavaca" was taken up.

On motion of Mr. Cunningham,

The bill was read a third time by its caption, and passed.

A bill to be entitled "an act to regulate the trial of suits for title to land," was taken up and read.

On motion of Mr. Cunningham,

The bill was made the special order of the day for Monday next.

A bill to be entitled "an act concerning the outstanding liabilities of the late Republic of Texas," was taken up, and

Read a second time.

On motion of Mr. Reagan,

The bill was referred to the committee on Finance.

A "joint resolution for the relief of Theodore D. Maltby, who was disabled for life, in the service of the country," was taken up, and

Read a second time.

On motion of Mr. Dooley,

The joint resolution was ordered to be engrossed.

A bill to be entitled "an act for the relief of persons who have paid government dues on field notes which were subsequently withdrawn," was taken up, and

Read a second time.

On motion of Mr. Hardeman,

The bill was ordered to be engrossed.

A bill to be entitled "an act to amend an act entitled an act to prescribe the time for the biennial meeting of the Legislature of the State of Texas, was taken up, and

Read a second time.

Mr. Willie moved to strike out the "first Monday," and insert the "third Monday."

Motion lost.

Mr. Reagan moved to strike out "November," and insert "October."

Motion lost.

On motion of Mr. Davis, of R.,

The bill was passed to a third reading.

A bill to be entitled "an act to prevent Justices of the Peace, and Clerks of the District, County and Probate Courts, from

issuing executions for costs *only*, unless the judgment of the court was or shall be for costs only, was taken up, and

Read a second time.

On motion of Mr. Runnels,

The bill was referred to the committee on the Judiciary.

A bill to be entitled "an act to legalize the marriage of Rhesa Green Stalcup and Mary Ann Miller," was taken up, and

Read a second time.

On motion of Mr. Goode,

The bill was passed to a third reading.

A bill to be entitled "an act to legitimate Mary Malicia Stalcup, and to render her capable of taking by descent, the estate, or estates of her parents, Rhesa Green Stalcup and Mary Ann Stalcup," was taken up, and

Read a second time.

On motion of Mr. Taylor,

The bill was passed to a third reading.

A bill to be entitled "an act to change the name of Thomas Harvey, to Thomas Harvey Forrester," was taken up, and

Read a second time.

On motion of Mr. Pease,

The bill was passed to a third reading.

The report of the minority of the committee on the Land Office, was taken up.

On motion of Mr. Robertson,

The report was made the special order of the day for Wednesday next.

Mr. Sterne moved that the House adjourn until 10 o'clock, to-morrow morning.

Motion lost.

A bill to be entitled "an act to create the county of Delta,"

together with the report of the committee on County Boundaries thereon, were taken up, and the report read.

On motion of Mr. Eddy,

The bill and report were laid upon the table.

A bill to be entitled "an act to define the boundary lines of Matagorda county," was taken up.

On motion of Mr. Carothers,

The bill was read a second time by its caption, and passed to a third reading.

A bill to be entitled "an act to create the county of Neches," was taken up and read.

On motion of Mr. Eddy,

The bill was indefinitely postponed.

A bill to be entitled "an act to authorize the holders of unlocated balances of certificates, in certain cases, to locate them," was taken up, and

Read a second time.

On motion of Mr. Stout,

The bill was ordered to be engrossed.

A bill to be entitled "an act for the relief of David G. Burnet," was taken up, and

Read a second time.

On motion of Mr. Goode,

The bill was referred to the committee on Finance.

A bill to be entitled "an act for the relief of Thomas J. Stell," was taken up, and

Read a second time.

On motion of Mr. Haynie, the bill was ordered to be engrossed.

On motion of Mr. Allen,

Mr. Sterne was added to the committee on State Affairs.

A bill to be entitled "an act for the relief of Isaac Delaney," was taken up, and

Read a second time.

On motion, the bill was ordered to be engrossed.

On motion of Mr. Fields,

The House adjourned until to-morrow morning, 10 o'clock.

House of Representatives,
Austin, February 8th, 1848.

The House met pursuant to adjournment.

The Roll was called,

And the following members answered to their names :

Messrs. Speaker, Armstrong, Bogart, Bourland, Burroughs, Bryan, Carothers, Crump, Cunningham, Davis of L., Davis of R., Dooley, Eddy, Edwards, Epperson, Fields, Goode, Hardeman, Haynie, Keenan, Lott, Lyons, Miller of C., Miller of H., Mosely, McNeill, Perry, Potter, Rains, Rayner, Renfro, Reagan, Robertson, Railey, Runnels, Saddler, Shaw, Sterne, Stout, Tankersley, Taylor, Truit, Walling, Winkler, Wheeler, White and Wren.

A quorum being present,

The Journal of the preceding day was read and adopted.

Mr. Potter, one of the Judiciary committee, made the following report :

The committee on the Judiciary, to whom was referred a bill to be entitled "an act allowing discretion to the Supreme Court in the order of trying causes," have had the same under consideration, and, believing that the act entitled "an act to organize the Supreme Court of the State of Texas," approved May the 12th, A. D. 1846, requires amendment, in some of its pro-

visions, and that the object intended to be accomplished by the bill referred to, can be readily attained by a general bill, which shall embody the essential provisions of said bill, and, also, other provisions, which are by the committee deemed necessary for the regulation of the Supreme Court,

The committee have prepared the accompanying bill, as a substitute for the original, and have instructed me to report the same to the House, and to recommend its passage.

Report received, and the bill and substitute laid upon the table, to come up in their regular order.

Mr. Potter, one of the committee on the Judiciary, also made the following report:

The committee on the Judiciary, to whom was referred a bill to be entitled "an act to amend an act entitled an act to organize the Supreme Court of the State of Texas, approved May the 12th, A. D. 1846;" and also a bill to be entitled "an act to grant the privilege to the Supreme Court to arrange the docket, so as to take up the causes therein by Districts," have had the same under consideration, and believe that the objects intended to be accomplished by said bills are proper, and require some action from the present Legislature. But, inasmuch as the committee have, this day, reported a bill to the House, which embraces the essential provisions of the above named bills, the committee have instructed me to report said bills back to the House, and to recommend that they be laid upon the table.

Report received, and the bills laid upon the table, to come up in their regular order.

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills, have examined a bill to be

entitled "An act to locate the county seat of Navarro county;"
 A bill to be entitled "An act to provide for locating the seat of justice for Newton county;" and

A bill to be entitled "An act, for the relief of John Keiser," and find the same correctly enrolled; and, having been signed by the Speaker of the House of Representatives, and the President of the Senate, were this day presented to His Excellency, the Governor, for his approval.

Report accepted.

Mr. Carothers, chairman of the committee on County Boundaries, made the following report:

The committee on county Boundaries; to whom was referred a bill to be entitled "An act to define the boundaries of the county of Comal," with accompanying petitions, have had the same under consideration, and have instructed me to report to the House, a substitute for the said bill, and to recommend its passage.

Report received, and the bill and substitute laid upon the table, to come up with the orders of the day.

Mr. Winkler asked leave to withdraw the petition of Luis Sanches, from the committee on Claims and Accounts.

Leave granted.

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills have examined a bill to be entitled "An act regulating Attachments;" and

A bill to be entitled "An act to incorporate the city of Lavaca," and find the same correctly engrossed.

Report accepted.

Mr. Reagan introduced a "Joint Resolution proposing an amendment to the Constitution."

Joint Resolution read a first time.

Mr. Lott introduced a bill to be entitled "An act to incorporate Cherokee Academy, in the town of Rusk, and county of Cherokee."

Bill read a first time.

Mr. Lott also introduced a bill to be entitled "An act to compensate all Commissioners that have been appointed, or may hereafter be appointed, by the Legislature, to locate county sites of all new counties that were created during the first session of the Legislature of the State of Texas."

Bill read a first time.

Mr. Tankersley, introduced the following resolution:

Resolved, That the committee on Contingent Expenses be requested to report to the House, the amount of Expenses attendant upon the funeral, and transportation of the remains of the late Hon. Magnus T. Rodgers to the city of Houston; and also, to report a resolution providing for the payment of the same.

Resolution adopted.

Mr. Runnels introduced the following resolution:

Resolved, That the committee on Military Affairs be instructed to enquire into the facts of the expedition of Brigadier General Edward H. Tarrant, against the Indians, organized in June, A. D. 1841; and the right of those persons participating, to such compensation as was then allowed by law for similar services; and that said committee have power to call for persons and papers; and that they report to this House, by bill or otherwise, as soon as practicable.

Resolution adopted.

Mr. Mosely introduced a bill to be entitled "An act, to amend an act, for the relief of Jonathan Bird, passed January the 8th, 1843."

Bill read a first time.

Mr. Mosely moved that the rule requiring bills to be read on three several days, be suspended.

Motion lost.

Mr. Robertson introduced a bill to be entitled "An act regulating fees and charges in the public offices of the State."

Bill read a first time.

Mr. Dooley moved to place among the orders of the day, a Joint resolution instructing our Senators, and requesting our Representatives in the Congress of the United States, to procure the passage of a law establishing two Judicial Districts of the United States District Court, in the State of Texas, together with the report of the committee of Conference thereon.

Motion carried.

A bill to be entitled "An act to regulate proceedings in the County Courts of this State, pertaining to the estates of deceased persons," (it being the substitute reported by the committee on the Judiciary, and the special order of the day,) was taken up and read.

Mr. Carothers in the chair,

Mr. Haynie moved that a call of the House be made.

Motion lost.

Mr. Haynie then moved that the House adjourn until 3 o'clock, p. m.

Motion lost.

Question—shall the substitute now under consideration of

the House, for the bill to be entitled "An act to organize Probate Courts," be adopted?

The House decided in the affirmative.

Mr. Potter moved the engrossment of the bill.

Motion carried, and the bill ordered to be engrossed.

On motion of Mr. Tankersley,

The House adjourned until 3 o'clock, p. m.

3 o'clock, p. m.

The House met pursuant to adjournment.

The roll was called,

And a quorum found present.

The Speaker announced a communication from Capt. H. E. McCulloch, relative to the movements of a hostile band of Comanche Indians.

Communication read.

Mr. Tankersley moved that the communication be laid upon the table.

Motion lost.

Mr. Dooley introduced the following resolution:

Resolved, That the communication just received from Capt. H. E. McCulloch, in reference to the anticipated difficulties with the Indians, be referred to the committee on Military Affairs, with instructions that said committee report by bill or otherwise.

Resolution read and adopted.

On motion of Mr. Crump,
Messrs. Dooley and Robertson were added to the committee
on military Affairs.

Mr. McNeill in the chair.

A bill to be entitled "An act to organize County Courts," together with the substitute therefor, reported by the committee on the Judiciary, were taken up, and the substitute read.

On motion of Mr. Hardemon,

The substitute was adopted.

Mr. Davis, of Robertson, offered the following as an amendment:

Strike out the words "Chief Justice" wherever they occur in the bill, and insert "Judge of the County Court."

Amendment rejected.

On motion of Mr. Henderson,

The bill was then ordered to be engrossed.

Mr. Carothers moved a re-consideration of the vote-engrossing a bill to be entitled "An act regulating the assessment of taxes."

Mr. Bourland moved that a call of the House be made.

Motion carried.

The roll was then called,

And a quorum found present.

On motion of Mr. Dooley,

Mr. Lewis was excused from answering to the call of his name, on account of the indisposition of that gentleman.

On motion of Mr. Stout,

Mr. Gilliam was excused from answering to the call of his name, on account of sickness.

Mr. McCown moved that Mr. Keenan be excused from answering to the call of his name.

Motion lost.

Mr. Henderson moved that the call of the House be suspended.

Motion carried.

A bill to be entitled "An act regulating Ferries," (being the special order of the day,) was, together with the substitute therefor, offered by Mr. Pease, taken up and read, and the substitute adopted.

Mr. Henderson moved the engrossment of the bill.

Mr. Rayner moved to refer the bill to the committee on Roads and Public Highways.

Motion carried, and reference made.

A bill to be entitled "An act authorizing the county of Fort Bend to levy a special tax," was taken up.

On motion,

The bill was read a third time by its caption, and passed.

A "Joint resolution for the relief of Robert H. Beale," was taken up,

Read a third time and passed.

A bill to be entitled, "An act for the relief of persons indebted to the State, on account of Public Dues," together with the amendments by the Senate, were taken up and read.

The House refused to concur in the amendments.

A bill to be entitled "An act for the relief of Jesse Billingsly" was taken up and read a second time.

On motion of Mr. Stout,

The bill was referred to the committee on the Judiciary.

A bill to be entitled "An act, to authorize the Commissioner of the General Land Office, or other receivers of public dues in said Office, to receive gold and silver at the rate of one dollar thereof for eight dollars in Texas promissory notes, for all government dues upon land, and patents for land," was taken up, and read a first time.

A bill to be entitled "An act to prohibit the Boards of Land Commissioners in each county in this State from issuing certificates for land, to any claimant whatsoever, unless the appli-

cant or claimant shall previously thereto have received a conditional certificate from some competent Board," together with the substitute therefor, offered by the Senate, were taken up, and the substitute read.

On motion of Mr. Pease,

The substitute was made the special order of the day for Saturday next.

A bill to be entitled "An act, to amend the third section of an act, providing for the transfer of records of administrators to new counties, approved May the 13th, A. D. 1846," was taken up, read a third time and passed.

A bill to be entitled "An act, to amend the eleventh section of an act, to incorporate the Brazos Canal Company," was taken up, read a third time and passed.

A bill to be entitled "an act to authorize the Comptroller of Public Accounts, to issue duplicate warrants, to Charles Sherne,"

Was taken up,

Read a third time and passed.

A bill to be entitled "an act better defining the southern boundary line of Collin and Denton counties, and the northern boundary line of Dallas and Henderson counties:"

Was taken up and read a third time.

Mr. McNeill moved that a call of the House be made.

Mr. Carothers moved that the House adjourn until 10 o'clock, to-morrow morning.

Motion carried.

House of Representatives,
Austin, February 10th, 1848.

The House met, pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Bryan, Carothers, Crump, Crutcher, Davis of L., Davis of R., Eddy, Fields, Goode, Hardeman, Haynie, Keenan, Lott, Miller of C., Miller of H., Mosely, McNeill, Perry, Rains, Rayner, Renfro, Reagan, Robertson, Railey, Saddler, Shaw, Sterne, Stout, Stuart, Tankersley, Taylor, Truit, Webb, Walling, Winkler, Wheeler, White and Wren—.

A quorum being present.

The Journal of the preceding day was read and adopted.

Mr. Stuart presented the petition of the Physicians and Surgeons of the city of Galveston.

On motion,

The petition was referred to the committee on State Affairs without reading.

A message was received from the Senate informing the House of the passage of the following bills &c., by that body.

A bill (which originated in the House of Representatives,) to be entitled an act to create the county of Medina."

A bill, (which originated in the House of Representatives,) to be entitled "an act for the relief of the heirs of Jeremiah Bowlin."

A "joint resolution, (which originated in the House of Representatives,) instructing our Senators and requesting our Representatives in the Congress of the United States, to procure additional mail service." with an amendment.

A "joint resolution (which originated in the House of Representatives,) requiring the Commissioner of the General Land Office to issue a patent in the name of the heirs of Wm. P. Nunn," with an amendment.

A bill to be entitled "an act to organize the militia of Newton county," with an amendment.

A bill, (which originated in the House of Representatives,) to be entitled "an act to create the county of Gillespie," with an amendment; and

A bill to be entitled "an act for the relief of those persons who are indebted to the State, on account of Public dues, payable in the Promissory notes of the late Republic of Texas," with an amendment.

Mr. Pease, Chairman of the committee on the Judiciary, made the following report:

The committee on the Judiciary to whom was referred a bill to be entitled "an act to incorporate the town of San Augustine," have considered the same, and, a majority of said committee, have directed me to report the bill back to the House, without amendment.

Report received and the bill laid upon the table to come up with the orders of the day.

Mr. Pease, Chairman of the committee on the Judiciary, also made the following report:

The committee on the Judiciary to whom was referred a bill to be entitled "an act of sequestration," have had the same under consideration, and believing that some changes are required in the laws on the subject of sequestration, the committee have prepared a bill, embracing all the provisions of the present laws, with such additions and amendments, as seem to be required: This bill is entitled, "an act regulating sequestrations," and the committee recommend that it be adopted as a substitute for the original bill.

Report received, and the bill and substitute laid upon the table to come up in their regular order.

Mr. Allen, Chairman of the committee on State Affairs, made the following report:

The committee on State Affairs, to whom was referred a petition, signed by citizens of various counties, praying that a joint resolution be passed by the Legislature, instructing our Senators and requesting our Representatives in the Congress of the United States, to use their influence to procure the removal of the Trading Post, on the Brazos river, from its present location; and to have the same placed furthur beyond the settlements, in that portion of the State, have instructed me to report the petition back to the House, and, as a majority of your committee are of opinion that Legislative action on the subject would be impolitic and unnecessary at this time, they respectfully ask to be discharged from the further consideration of the same.

Report received, and the petition laid upon the table to come up in its regular order.

Mr. Allen, Chairman of the committee on State Affairs, also reported as follows:

The committee on State Affairs, to whom was referred a bill to be entitled "an act to incorporate the Western Texas Orphan Asylum," have had the same under consideration, and, believing that such an institution would be especially beneficial to the German population of the State, have instructed me to report the same back to the House, with an amendment, and to recommend that it be passed.

Report received, and the bill laid upon the table to come up in its regular order.

Mr. Allen, Chairman of the committee on State Affairs, also reported as follows:

The committee on State Affairs to whom was referred a bill to be entitled "an act supplementary to an act to incorporate the town of Refuge," have instructed me to report the same back to the House, and to recommend its favorable consideration.

Report received, and the bill laid upon the table to come up in its regular order.

Mr. Allen, Chairman of the committee on State Affairs, also made the following report:

The committee on State Affairs to whom was referred a bill to be entitled "an act regulating the mode of disposing of runaway slaves," have instructed me to recommend that the bill be laid upon the table.

Report received, and bill laid upon the table to come up in its regular order.

Mr. Robertson, Chairman of the committee on Internal Improvements made the following report:

The committee on Internal Improvements to whom was referred a bill to be entitled "an act to establish the Galveston and Red River Rail Road Company," have had the same under consideration, and have instructed me to report the bill back to the House, with an amendment, and to recommend its passage.

Report received, and the bill laid upon the table to come up in its regular order.

Mr. Keenan, Chairman of the committee on Education made the following report:

The committee on Education to whom was referred the memorial of the Trustees of Marshall University, asking that the law incorporating said institution, be so altered, or amended, as to authorize them to sell one league of land, donated by the Congress of the Republic of Texas to the University, upon such terms, and time, as they, in their discretion, may deem advisable, have had the same under consideration, and, believing that there may be Constitutional objections to it, would respectfully ask that the memorial be referred to the committee on the Judiciary, and that they be relieved from the further consideration of the subject.

Report received, and the memorial laid upon the table, to come up in its regular order.

Mr. Reagan; Chairman of the committee on Public Lands, made the following report:

Committee Room,
February 9th, 1848.

To the HON J. W. HENDERSON,
Speaker of the House of Representatives.

The committee on Public Lands, to whom was referred a bill, to be entitled an act. to give to each county in this State its own County Surveyor, map and records, have had the same under consideration, and have instructed me to report, that with a few alterations, they consider the bill well calculated to effect the object contemplated, which is the giving to the citizens of each county the information due to them, as to what lands in these respective counties are located, and the proper districting of the whole State, by lines actually run and marked according to law, so as to place it in the power of the Land Office Department to make a correct map of the State.

This your committee considers due to the citizens, as it would be the means of preventing innumerable trespasses, by

immigrants who are rapidly settling up our country, and who are in many portions of the State settling from one to two hundred miles from where the maps and records of these land districts are kept, thereby producing many and vexatious law suits, between the owners of the soil and the occupants, who for the want of this information which the bill proposes to give them, have, and may ignorantly become trespassers.

The want of information amongst the people on the subject of the lands and the land system of the country, is the greatest drawback that now hangs upon its prosperity—it prevents many from coming to the country, and drives many from it after they have come, and thereby prevents the developement of the resources of the State—cuts short our commercial and social advancement, and prevents the landed and other property of those who are here, from increasing in value as it otherwise might.

This is due to the people, and to the State, because it is of incalculable importance in the assessment and collection of the taxes necessary to keep the wheels of our State government in motion. It is also important for each county to possess the records of the lands situated in it, for judicial purposes. At this time, if the courts should order a survey in a suit concerning lands, in many counties, the parties would be compelled to go from fifty to two hundred miles to have the order executed.

The bill now recommended to the House, proposes to obviate all these difficulties, not at the expense of the State, but at the expense of those who need and deserve this information, and who are to be benefitted by it. Not only the counties interested and people living in them would be benefitted by this bill, but the State will be benefitted, for as each county before it can obtain the benefits of the bill, is required to run, and plainly mark its boundaries, and connect every corner of every such county with some known corner of a known survey. It will furnish the data upon which to make a correct map of the State, and the specific means of properly identifying each land district and county, by lines actually run and marked, and will obviate the confusion and difficulty, both as regards counties and land district, that now grows out of imaginary and uncertain boundaries. It will also benefit all who may own lands in such counties, as it will enable those wishing to settle to know where such lands are situated, by which they may make early and more favorable sales, or if they do not

wish to sell, by having these lands mapped and recorded in the county where they lie, they may be saved expensive law suits in removing trespassers, while perhaps under the operation of the good faith law, without the notice which would be given by such map and records, they might wholly lose these lands.

Your committee conceive this bill expedient too, as by it the operations of the old land districts are not to be interrupted until the new ones are completely organized, by a correct survey of the county, the return of a correct copy of the map to the General Land Office, with the field notes of the survey of the county boundaries, and the depositing of a correct copy of the map and records in the office of the Clerk of the county court of the county for which they are made.—By the operations of the proposed law, no one can be delayed a day in obtaining a patent.

It may be true, that the operations of the proposed law might increase the business, somewhat for a time, but this would hardly be a legitimate argument against it, as offices are created for the convenience of the people, and not the people for the convenience of offices. Your committee are of opinion that justice and equity demand the passage of such a law, as without it, about half the counties in the State are to be denied rights and privileges possessed by the others. They think this would be an unnatural proscription *in the land of equal rights*.

Your committee have instructed me to report the bill, with the accompanying amendments, back to the House and recommend its passage.

JOHN H. REAGAN,
Chairman.

Report received, and

The bill laid upon the table, to come up in its regular order.

Mr. Reagan, chairman of the committee on public lands, also, made the following report:

The committee on public lands, to whom was referred the petition of the citizens of Cherokee county, praying for a grant of land for James Crossland, have had the same under consideration. Though there was sufficient evidence before the committee; that said Crossland arrived in Texas but nine days after the expiration of the last donation law of the late Republic of Texas; yet, as he did not secure a grant of land previous to the adoption, by the Convention, of the joint resolutions of annexation, your committee are of opinion that they have no authority, at this time, to make original grants to land. They have, therefore, instructed me to recommend that the petition be laid upon the table.

Report and petition received, and laid upon the table to come up in their regular order.

Mr. Reagan, chairman of the committee on public lands, also, reported as follows:

The committee on public lands, to whom was referred a bill to be entitled "an act for the relief of Alfred Briggance," have had the same under consideration, and having evidence of the genuineness of the petitioner's certificate, have instructed me to report the bill back to the House, and to recommend its passage.

Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Reagan, chairman of the committee on public lands, also, made the following report:

The committee on public lands, to whom was referred the petition of the citizens of Red River and Titus counties, praying a grant of land for Ambrose Ripley; and, though said Ripley is well recommended, as a meritorious citizen, your committee do not believe, that under the Constitution and

Joint Resolution of annexation, the Legislature can make original grants to land. They, therefore, recommend that the petition be laid upon the table.

Report and petition received, to come up in their regular order.

Mr. Carothers, chairman of the committee on county boundaries, made the following report:

The committee on county boundaries, to whom was referred a bill to be entitled "an act to define the boundaries of the county of Austin," have had the same under consideration, and have instructed me to report the same back to the House, and respectfully to recommend its passage.

Report received, and the bill laid upon the table to come up in its regular order.

Mr. Fields, chairman of the committee on printing, made the following report:

The committee on printing, to whom was referred a bill to be entitled "an act to regulate the public printing," have had the same under consideration, and the committee have instructed me to report the bill herewith submitted as a substitute for the original bill. The substitute is the same as the original bill, except, that the amendments made by the House, to the original bill are entered in the substitute, or provided for; and an amendment is made to section the 5th, requiring the Secretary of State to place the bonds of the public printer, if suit be necessary, in the hands of the District Attorney of the district in which the principal, or one of the obligors lives.

Report received, and the bill and substitute laid upon the table, to come up in their regular order.

Mr. Allen, chairman of the committee on contingent expenses, made the following report:

The committee on contingent expenses, to whom was referred a resolution, requesting them to report to the House the expenses attendant upon transporting the remains of the late hon. M. T. Rodgers, to the city of Houston; and to report a resolution, providing for the same, have investigated the matter, and find that the expenses amounts to one hundred and thirty-eight dollars and twenty-five cents, which your committee recommend to be paid out of the sum appropriated to pay the contingent expenses of the Legislature.

Report received, and laid upon the table, to come up in its regular order.

Mr. Bryan, chairman of the committee on engrossed bills, made the following report:

The committee on engrossed bills, have examined a bill to be entitled "an act to provide for ceding to the United States, jurisdiction of certain lands in this State, for certain purposes;" and

A bill to be entitled "an act to incorporate the Houston Mechanic's Institute."

And find the same correctly engrossed.

Mr. Neal introduced a bill to be entitled "an act to define the boundaries of the county of Refugio."

Bill read a first time.

Mr. Eddy introduced a bill to be entitled "an act to regulate the jurisdiction of justices of the peace."

Bill read a first time.

Mr. Stuart introduced a bill to be entitled "an act incorporating the Galveston Manufacturing Company."

Bill read a first time.

Mr. Wheeler introduced a bill to be entitled, "an act to provide for the protection of certain land titles."

Bill read a first time.

Mr. Bryan introduced a bill to be entitled "an act incorporating the Goliad Statistical Society."

Bill read a first time.

On motion of Mr. Tankersley;

The House proceeded to the orders of the day.

On motion of Mr. Bryan,

Leave of absence was granted to Mr. Stoddard, for a few days.

Mr. Goode moved a reconsideration of the vote adopting the substitute offered by Mr. Cunningham for the bill, to be entitled "an act for the relief of Thomas F. McKinney."

On motion of Mr. Tankersley,

The motion to reconsider, was laid upon the table until tomorrow morning.

Mr. Haynie, by leave, Introduced the following resolution:

Resolved, That the committee on contingent expenses, be authorized to examine the amount of expenses incurred in taking care of John Frederick, who was injured by the accidental discharge of a cannon, on the day of the arrival of the remains of Captain Samuel H. Walker, and report to this House by resolution.

Resolution adopted.

Mr. Goode moved that the resolution for the relief of Canady & Stinson be withdrawn from the committee on claims and accounts, and referred to the committee on State affairs.

Motion lost.

On motion of Mr. Neal,

Mr. Goode was added to the committee on claims and accounts.

On motion of Mr. Tankersley,

The substitute offered by the committee on finance, for a bill to be entitled "an act to raise a revenue by direct taxation."

Was read and adopted.

Mr. Runnels moved that the bill be laid upon the table, until the 4th day of July next.

The yeas and nays were called on the adoption of Mr. Runnels' motion, and stood as follows:

Yeas—Messrs. Burroughs, Gilliam, Perry, Kenfro, Reagan, Runnels, Saddler and Willie—8.

Nays—Messrs. Speaker, Allen, Armstrong, Bourland, Bryan, Carothers, Crump, Crutcher, Davis of L., Davis of R., Dooley, Eddy, Edwards, Epperson, Fields, Goode, Hardeman, Haynie, Keenan, Lewis, Lott, Lyons, Miller of C., Miller of H., McCown, McNeill, Neal, Pease, Potter, Rains, Rayner, Robertson, Shannon, Shaw, Sterne, Stout, Stuart, Tankersley, Taylor, Truit, Webb, Walling, Winkler, Wheeler and Wren—45.

Motion lost.

Mr. Keenan moved the engrossment of the bill.

Mr. Reagan moved that the bill be made the special order of the day, for Monday next.

Motion lost.

On motion of Mr. Robertson,
The bill was read by sections.

Mr. Stuart moved to amend the 1st section as follows:

Insert "one hundred and," at the beginning of the 3d line.

Amendment rejected.

Mr. Haynie moved to amend the 2d section, as follows:

Strike out "one dollar," and insert "fifty cents."

Amendment rejected.

Mr. Lyons moved to strike out the 2d section of the bill.

Motion lost.

Mr. Carothers moved that the sense of the House be taken on the previous question.

Motion lost.

Mr. Stuart moved to insert at the end of the 3d section,

"An annual license tax of twenty-five dollars."

Motion lost.

Mr. Mosely moved to add "twenty cents to each hundred dollars of money on hand," at the end of the 3d section.

Motion lost.

Mr. Reagan moved to insert the following at the end of the 3d section:

"And that each and every person engaged in the sale of goods, wares and merchandize, with a capital stock of less than one thousand dollars, and an annual license tax of ten dollars, on amounts of more than one, and less than two thousand dollars, an annual license tax of twenty dollars; on amounts of more than two, and less than three thousand dollars, an annual license tax of twenty-five dollars; on amounts of more than three, and less than five thousand dollars, an annual license tax, of thirty-five dollars; on amounts over five and less than ten thousand dollars, an annual license tax of fifty dollars; and on amounts over ten thousand dollars, an annual license tax of seventy-five dollars."

Mr. Stout moved to amend the 5th section of the bill, as follows:

"Of each and every person, or firm, engaged in keeping an

inn or tavern, in any city, town or village, where persons are entertained or lodged, for pay or emolument, an annual direct tax of ten dollars."

Mr. Davis of Liberty, moved to amend the 4th section of the bill as follows:

Strike out "one hundred dollars," and insert "fifty dollars"

Amendment rejected.

Mr. Lyons moved to amend the 5th section of the bill, as follows;

Strike out "fifty," and insert "twenty-five."

Amendment rejected.

Mr. Robertson offered the following as a substitute for Mr. Reagan's amendment to the 3d section of the bill:—

"On every person or firm, occupied in the sale of merchandize, on a capital of \$1000, or under, an annual direct tax of \$8. On every person or firm occupied in the sale of goods, wares or merchandize, with a capital of over \$1000, and under \$2000, an annual tax of \$14. On every person or firm engaged in the sale of goods, wares or merchandize, with a capital of over \$2000, and under \$4000, an annual tax of \$20. On every person or firm engaged in the sale of goods, wares or merchandize, on a capital of over \$4000, and under \$8000, an annual tax of \$35. On every person or firm engaged in the sale of goods, wares or merchandize, on a capital of over \$8000, and under \$12000, an annual tax of \$50. On every person or firm engaged in the sale of goods, wares or merchandize, on a capital of over \$12000, and under \$16000, an annual tax of \$75. And on every person or firm engaged in the sale of goods, wares or merchandize, on a capital over \$16000, an annual tax of \$100."

The yeas and nays were called on the adoption of the substitute, and stood as follows:

Yeas—Messrs. Bryan, Carothers, Dooley, Edwards, Gilliam, Hardeman, Lewis, Lott, Miller of C., Miller of H., McCown, Pease, Perry, Rains, Rayner, Robertson, Saddler, Sterne, Truit, Webb, Winkler, White and Wren—23.

Nays—Messrs. Speaker, Allen, Armstrong, Bourland, Crutcher, Davis of L., Davis of R., Eddy, Epperson, Fields, Goode, Keenan, Lyons, Mosely, McNeill, Neal, Potter, Reagan, Runnels, Shannon, Shaw, Stout, Stuart, Tankersley Taylor, Walling, Wheeler and Willie—28..

Substitute rejected..

Mr. Bourland moved to amend Mr. Reagan's amendment as follows :

"There shall be levied and collected of each and every person engaged in vending goods, wares and merchandize, an income tax of *ten cents* upon every *hundred dollars* of the capital employed."

The ayes and nays were called on the adoption of the amendment, and stood as follows :

Yeas—Messrs. Allen, Bourland, Bryan, Carothers, Davis, of R., Dooley, Epperson, Gilliam, Hardeman, Haynie, Lott, Lyons, Miller of C., Mosely, McCown, Pease, Perry, Potter, Rains, Rayner, Renfro, Reagan, Shannon, Shaw, Sterne, Stout, Stuart, Truit, Walling, Winkler, Willie and Wren—32.

Nays—Messrs. Speaker, Armstrong, Crutcher, Davis, of L., Eddy, Edwards, Fields, Goode, Lewis, Miller of H., Neal, Robertson, Saddler, Tankersley, Webb and Wheeler—16..

Amendment adopted..

Mr. Gilliam moved to strike out "10," and insert "75."

Motion lost..

Mr. Miller, of H., offered the following, as a substitute for Mr. Bourland's amendment:

"That each and every person or firm, pursuing the occupation of vending goods, wares and merchandize, shall pay a direct license tax of *ten cents* on each hundred dollars of the amount of sales of such person or firm; to be given in, (*upon oath*), quarterly, to the Assessor and Collector: and this *specific* tax shall not be construed to exempt such goods, wares and merchandize from the *ad valorem* tax levied by virtue of this act."

Substitute rejected.

Mr. Pease offered the following as a substitute for all the amendments to the 3d section of the bill:

"That each and every person or firm occupied in the sale of goods, wares and merchandize, other than vinous or spirituous liquors, shall pay a tax of 50 cents on each \$100 value of such goods, wares and merchandize, sold by such person, or firm, in the course of each year, for pursuing such occupation. And it shall be the duty of each Assessor and Collector in this State, once in every three months, or oftener, to call upon each person or firm, so occupied, in his county, for an account of such sales, *under oath*; and any person, when so called upon, who shall fail or refuse, to furnish such Assessor and Collector with an account of all such sales as have been made by him during the year for which the assessment is to be made, shall be liable to a penalty of fifty dollars for such failure or neglect: to be recovered on the information of the Assessor and Collector, before any Justice of the Peace of the proper county, by suit in favor of the State."

Mr. Potter moved to strike out "fifty," and insert "thirty."

Mr. Haynie moved to insert "twenty:" which was accepted by Mr. Potter.

Question—Shall the amendment of the gentleman from Galveston, as amended by the gentleman from Travis, be adopted?

The House decided in the negative.

Mr. Runnels moved to strike out "fifty," and insert "seventy-five."

Mr. Bourland called for a division of the question.

Question—Shall the word “fifty” be stricken out of the substitute offered by the gentleman from Brazoria?

The House decided in the affirmative.

Question—Shall the blank be filled with “seventy-five?”

The House decided in the negative.

Mr. Dooley moved to insert “forty-five.”

Motion lost.

Mr. Webb moved that the sense of the House be taken on the previous question.

Motion carried.

Question—Shall the amendment offered by the gentleman from Brazoria, to the bill now under consideration of the House, be adopted?

The House decided in the affirmative.

Mr. Miller, of H., moved to amend—r. Pease’s amendment as follows:

“And the specific tax levied by virtue of this section, shall not be construed to exempt said goods, wares and merchandize from the *ad valorem* tax levied by this act.”

Amendment adopted.

Mr. Henderson moved to amend the caption as follows:

“A bill to be entitled an act to raise a revenue by direct and income tax.”

Mr. Epperson moved to amend the amendment, by making the caption of the bill read: "A bill to be entitled an act to raise a revenue by taxation."

Amendment adopted.

The amendment of Mr. Henderson, as amended by Mr. Epperson, was then adopted.

Mr. Bourland moved the engrossment of the bill.

Mr. Sterne moved to strike out the words "or oftener," after the word "months."

Motion lost.

Mr. Davis, of L., moved that the House adjourn until 3 o'clock, p. m.

Motion lost.

Mr. Bourland called for the previous question.

Mr. Lyons moved that the House adjourn until 3 o'clock, p. m.

Motion lost.

Question--Shall the sense of the House now be taken on the previous question?

The House decided in the affirmative.

Question--Shall the bill now under consideration of the House, be engrossed?

The yeas and nays were called on the engrossment of the bill, and stood as follows:

Yeas--Messrs. Bourland, Burroughs, Bryan, Carothers, Davis, of L., Dooley, Fields, Hardeman, Haynie, Lewis, Ly

ons, Miller, of C., Miller of H.; Mosely, McCown, McNeill, Neal, Pease, Perry, Rayner, Reagan, Runnels, Shaw, Sterne, Truit, Walling and Wren—27.

Nays—Messrs. Speaker, Bogart, Crutcher, Davis of R., Edwards, Epperson, Gilliam, Goode, Potter, Rains, Renfro, Robertson, Saddler, Stout, Stuart, Tankersley, Webb, Winkler, Wheeler and Willie—20.

Carried, and the bill ordered to be engrossed.

On motion of Mr. Reagan,

The House adjourned until to-morrow morning, 10 o'clock.

House of Representatives,
Austin, February 11th, 1848.

The House met pursuant to adjournment.

The Roll was called,

And the following members answered to their names :

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Carothers, Crutcher, Cunningham, Davis of L., Davis of R., Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lewis, Lott, Lyons, Miller of C., Miller of H., Mosely, McCown, McNeill, Neal, Pease, Perry, Potter, Rains, Rayner, Renfro, Reagan, Robertson, Railey, Runnels, Saddler, Shaw, Sterne, Stout, Stuart, Tankersley, Truit, Webb, Walling, Winkler, White, Willie and Wren.

A quorum being present,

The Journal of the preceding day was read and adopted.

Leave was granted to Mr. Reagan to change his vote from

the affirmative to the negative, on the adoption of Mr. Bourland's amendment to the 3d section of a bill to be entitled "an act to raise a revenue by taxation."

Mr. Epperson presented the petition of Jesse Walker.

On motion of Mr. Epperson,

The petition was referred to the committee on Public Land, without reading.

Mr. Pease, chairman of the committee on the Judiciary made the following report:

The committee on the Judiciary, to whom was referred a bill to be entitled "An act, to amend an act, entitled an act, to regulate proceedings in the District Court, approved May the 13th, 1846," have had the same under consideration, and believing that some other amendments are required in the act proposed to be amended, the committee have drawn a substitute embracing the amendment proposed by the bill, referred to them, and such other changes as experience shows to be necessary.

The substitute is herewith presented, and recommended to the favorable consideration of the House.

Report received, and the bill and substitute laid upon the table, to come up in their regular order.

Mr. Allen, chairman of the committee on State Affairs, made the following report:

The committee on State Affairs, to whom was referred a bill to be entitled "An act, to amend the first section of an act, supplementary to an act, regulating the sale of runaway slaves, approved January the 5th 1841," have had the same under consideration, and have instructed me to report the bill back to the House, and to recommend its favorable consideration.

Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Crump, Chairman of the committee on Military Affairs, made the following report :

The committee on Military Affairs, to whom was referred a bill, which originated in the Senate, to be entitled "An act, to organize the militia of Santa Fe," have had the same under consideration, and instruct me to report the bill back to the House, and to recommend its passage, without amendment.

Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Reagan, chairman of the committee on Public Lands, made the following report :

The committee on Public Lands, to whom was referred the petition of A. Harwood, praying the passage of an act authorizing the Commissioner of the General Land Office to issue a patent for 320 acres of land, to the infant heirs of N. B. Harwood, deceased, have had the same under consideration, and have instructed me to report, that this committee have reported a *general* bill to the House, which supercedes the necessity of a *special* enactment. They therefore recommend that the petition be laid upon the table.

Report received, and laid upon the table, to come up in its regular order.

Mr. Bourland, one of the committee on Public Lands, made the following report :

The committee on Public Lands, to whom was referred the petition of Wm. T. Jackson, have had the same under consideration, and have instructed me to make the following report :

The petition shows to the satisfaction of the committee, that he has rendered valuable military services, and, owing to his

situation, (being deaf and dumb) should have some relief granted to him by the Legislature: but your committee cannot agree that the Legislature has any right to make original donations, of land until the public debt is extinguished. They therefore, in order that the petitioner may be enabled to get his just rights, recommend that his petition, and other evidences of the justness of his claim, be referred to the honorable committee on Claims and Accounts, and that this committee be discharged, *and we will all be satisfied.* All of which is respectfully submitted.

Report received, and the petition laid upon the table, to come up in its regular order.

Mr. Reagan, chairman of the committee on public Lands, made the following report:

The committee on Public Lands, to whom was referred the petition of S. L. Johnson, praying that a title be made to him for a lot in the city of Austin, in lieu of one of his lots which, in times of danger, was appropriated by the citizens of Austin as a burying ground, have had the same under consideration, and have instructed me to report the accompanying joint resolution, embracing the object of the petitioner, and to recommend its passage.

Report received, and the joint resolution laid upon the table, to come up in its regular order.

Mr. Reagan, chairman of the committee on Public Lands, also reported as follows:

The committee on Public Lands, to whom was referred the petition of Lewis Thunar, praying legislative relief in obtaining a patent on his headright certificate, have had the same under consideration, and have instructed me to report the accompanying bill, touching the object of the petitioner, and to recommend its passage.

Report received, and the petition and bill laid upon the table, to come up in their regular order.

Mr. Reagan chairman of the committee on Public Lands, also made the following report:

The committee on Public Lands, to whom was referred a bill to be entitled "An act, to amend an act, supplementary to an act, to detect fraudulent land certificates, passed by the 5th Congress of the Republic of Texas," have had the same under consideration, and have instructed me to report the bill back to the House, with an amendment, and to recommend its passage.

* Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Reagan, chairman of the committee on Public Lands, also reported as follows:

The committee on Public Lands, to whom was referred a bill to be entitled "An act for the relief of the heirs of Patrick Reels, have had the same under consideration, and have instructed me to report the bill back to the House, and to recommend its passage.

Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined
 "An act to create the county of Cameron;"
 "An act better defining the boundaries of Nueces county."
 "An act to define the boundaries of Goliad county;"
 "An act to create the county of Starr;" and

"A Joint resolution authorizing the Comptroller of Public Accounts to procure a residence in the city of Austin, for the use of the Executive of the State," and find the same correctly enrolled; and, having been signed by the Speaker of the House of Representatives, and the President of the Senate, they were, on yesterday, presented to His Excellency, the Governor, for his approval.

Report accepted.

Mr. Fields, chairman of a Select Committee, made the following report:

The Select Committee, to whom was referred the subject of *marks* and *brands*, have had the same under consideration, and have instructed me to report the accompanying bill, and to recommend its passage.

Report received, and the bill laid upon the table; to come up in its regular order.

Mr. Haynie, chairman of a Select Committee, made the following report:

The Select Committee, to whom was referred the petition of James Cole, have instructed me to report a joint resolution for his relief, and to respectfully recommend its passage.

Report received, and the joint resolution laid upon the table, to come up in its regular order.

Mr. Webb, chairman of a Select Committee, made the following report:

The Select Committee, to whom was referred a bill to be en-

entitled "An act, to repeal the third section of an act, to regulate the license and practice of attorneys and counsellors at law, approved May the 12th, 1846," together with the report of the Judiciary committee, thereon, have examined the same, and have instructed me to report, that they entirely concur in the report of the Judiciary committee, and recommend that the bill be laid upon the table.

Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Webb also made the following report:

The Select Committee, to whom was referred a bill to be entitled "An act, to amend the third section of an act, to regulate the license and practice of attorneys and counsellors at law, approved May the 12th, A. D. 1846;" and

A bill to be entitled "An act to amend the first, second and fourth sections of an act to regulate the license and practice of attorneys and counsellors at law, approved May the 12th, A. D. 1846," together with the report of the committee on the Judiciary thereon, have had the same under consideration, and have instructed me to report the accompanying bill, as a substitute for both of the bills, referred to them, and to recommend it to the favorable consideration of the House.

Report received, and the bill read a first time.

A message was received from the Senate, informing the House of the passage by that body, of

A bill to be entitled "An act to regulate the price of land patents;" and

A Joint Resolution authorizing and requiring the Governor to employ some competent person to digest the laws."

Mr. Winkler introduced the following resolution:

Resolved, That the committee on the Judiciary be instructed

to enquire into the expediency of giving to the District Attorneys, an additional compensation for their services, in prosecuting suits on the part of the State, against the various colony contractors, and report by bill or otherwise, at as early a day as practicable.

Resolution read and rejected.

Mr. Miller, of Houston, introduced the following resolution :

Resolved, That the committee on Public Lands be instructed to enquire into the expediency of authorizing the Commissioner of the General Land Office to employ two more competent Draftsman, to visit the counties whose maps require it, and correct the same, and report at as early a day as practicable, by bill or otherwise.

Resolution read and rejected.

Mr. Neal introduced a bill to be entitled "An act to establish the county of Cameron."

Bill read a first time.

Mr. Cunningham introduced a bill to be entitled "An Act to repeal the 11th section of an Act supplementary to an Act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants."

Bill read a first time.

Mr. Webb introduced a bill to be entitled "An Act for the relief of Joseph Shaw."

Bill read a first time.

Mr. Tankersley moved to take from the table a motion to reconsider the vote adopting the substitute of Mr. Cunningham, for the bill to be entitled "An Act for the relief of Thomas F. McKinney."

Motion carried.

The sense of the House was then taken on the motion to reconsider, &c.

Motion lost.

Mr. Reagan moved to place among the orders of the day, a Resolution calling on the Secretary of State for certain information.

Motion carried.

Leave of absence was granted to Mr. Tankersley, at his request, until the 25th inst.

Mr. Bourland moved to place among the orders of the day, a bill to be entitled "An Act regulating and establishing Public Schools."

Motion carried.

On motion of Mr. Allen,

The House proceeded to the orders of the day.

A "Resolution calling on the Secretary of State for certain information."

Was taken up, read and adopted.

A "Joint Resolution validating the election of Mayor and Aldermen, of the city of New Braunfels;"

Was taken up, and read a second time.

On motion of Mr. Dooley,

The Joint Resolution was ordered to be engrossed.

A "Joint Resolution requiring the Commissioner of the General Land Office to issue a certificate to the heirs of Wm.

P. Nunn, deceased," together with an amendment from the Senate were taken up.

On motion of Mr. Willie,
The amendment was concurred in.

A bill to be entitled "An Act to organize the Militia of Newton county," together with the amendments from the Senate ;
Were taken up, read, and the
Amendments concurred in.

A bill to be entitled "An Act to create the county of Gillespie," together with the the amendments from the Senate,
Were taken up, read, and the
Amendments concurred in.

On motion of Mr. Burroughs,
A committee of conference was appointed, to act in conjunction with a like committee on the part of the Senate, in relation to a bill to be entitled "An Act for the relief of those persons who are indebted to the State on account of Public Dues."

The Speaker appointed Messrs. Burroughs, Pease, Crutcher, Stuart and Runnels, to constitute said committee.

Mr. Carothers moved to take from the table the motion to reconsider the vote on the engrossment of the bill providing for the assessment of taxes.

Motion carried.

The sense of the House was then taken on the reconsideration of the vote.

Motion lost.

A "Joint Resolution requesting our Senators in the Congress of the United States, to procure additional mail service," together with amendments from the Senate,
Were taken up and read, and all but the first amendment concurred in.

A bill to be entitled "An Act for the relief of the widow and heirs-at-law of Maj. James L. Holmes, deceased ;"

Was taken up, read a third time and passed.

A bill to be entitled "An Act to incorporate the town of Mount Pleasant, in Titus county ;

Was taken up, read a third time and passed.

A bill to be entitled "An Act to incorporate the Berkley Academy ;"

Was taken up.

On motion,

The bill was read a third time, by its caption, and passed.

A bill to be entitled "An Act of sequestration," together with the substitute therefor, offered by the committee on the Judiciary,

Were taken up, and the substitute read and adopted.

On motion of Mr. Mosely,

The bill was ordered to be engrossed.

A bill to be entitled "An Act granting the privilege to the Judges of the Supreme Court to arrange the docket, &c." together with the report of the Judiciary committee thereon, recommending that the bill be laid upon the table ;

Were taken up, and the report read and adopted.

Mr. Runnels moved a reconsideration of the vote just taken.

Motion carried.

Question—Shall the bill now under consideration of the House, be engrossed ?

Mr. Willie moved that the bill be laid upon the table.

Motion carried.

A bill to be entitled "An Act appropriating fines and forfeitures to the payment of Jurors and Witnesses," together with the substitute therefor, offered by the committee on the Judiciary,

Were taken up, and the substitute read and adopted.

On motion of Mr. Mosely,
The bill was ordered to be engrossed.

A bill to be entitled "An Act to create the county of San Gabriel;"

Was taken up, and
Read a second time.

Mr. Willie moved to strike out "San Gabriel," wherever it occurs in the bill, and insert "Williamson."

Motion carried.

On motion of Mr. Allen,
The bill was ordered to be engrossed.

A bill to be entitled "An Act to extend the time to all resident citizens who have settled under the provisions of an Act granting to settlers on vacant public domain *pre-emption* privileges;"

Was taken up, and read a second time.

On motion of Mr. Lott,
The bill was referred to the committee on Public Lands.

A bill to be entitled "An Act to create the county of Cooke;"

Was taken up, and
Read a second time.

Mr. Sterne moved to insert the words "That said county is named in honor of Col. Wm. G. Cooke, deceased."

Motion carried.

On motion of Mr. Bogart,
The bill was laid upon the table for the present.

On motion of Mr. Allen,

The report of the committee on contingent expenses relative to the amount incurred in transporting the remains of late Hon. M. T. Rodgers to the city of Houston;

Was taken up and adopted.

A bill to be entitled "An Act defining the force and effect of official bonds;"

Was taken up and read a second time.

On motion of Mr. Stuart,

The bill was referred to the committee on the Judiciary.

A bill to be entitled "An Act to amend an Act to create the county of Polk;" approved, A. D. 1846;

Was taken up and read a second time.

On motion of Mr. Davis, of L.,

The bill was ordered to be engrossed.

A bill to be entitled "An Act to authorize Jacob Winfree to adopt Zachary Taylor Long as his lawful child;"

Was taken up and read a second time.

On motion of Mr. Stuart,

The bill was ordered to be engrossed.

A bill to be entitled "An Act to provide for deductions from the salaries of Judges of the Supreme and District Courts, &c.," together with the reports thereon, of the majority and the minority of the committee on the Judiciary,

Were taken up.

Mr. Willie moved that the report of the majority of the committee be adopted.

Mr. Robertson moved to lay the reports upon the table for the present.

Motion lost.

On motion of Mr. Wheeler,

The House adjourned until 3 o'clock, p. m.

3 o'clock, p. m.

The House met pursuant to adjournment.

The Roll was called,

And a quorum found present.

Question—Shall the report of the majority of the committee on the Judiciary, relative to a bill to be entitled "An Act to provide for deductions from the salaries of Judges of the Supreme and District Courts, &c.," be adopted?

Mr. Willie moved to take up the bill, in relation to which, the reports now under consideration were made.

Motion carried.

Mr. Stout moved to strike out "seventy-five," and insert "twenty."

Mr. Eddy moved to lay the bill upon the table, until the 4th day of July next.

The yeas and nays were called on the adoption of the motion and stood as follows :

Yeas—Messrs. Eddy, Keenan, Lyons, Pease, Rains, Robertson, Tankersley, Wheeler and Willie—9.

Nays—Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Carothers, Crump, Crutcher, Cunningham, Davis of L., Davis of R., Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Lott, Miller of C., Miller of H., Mosely, McNeill, Neal, Rayner, Reagan, Runnels, Saddler, Shannon, Shaw, Sterne, Stout, Stuart, Taylor, Truit, Webb, Walling, Winkler and Wren—40.

Motion lost.

Mr. Bogart moved to strike out "seventy-five," before "dollars," wherever it occurs in the bill, and insert "twenty."

Motion carried.

Mr. Willie moved to insert the words "The provisions of this bill shall not extend to the third Judicial District."

Mr. Tankersley moved to amend the amendment by adding ~~and the seventh,~~ after the "third."

Motion lost.

Mr. Armstrong moved to amend the amendment, as follows: Add to the "third," the "fifth and seventh Judicial District."

Mr. Bourland moved that the bill be referred to the committee on State Affairs.

The reading of the bill was called for.

Mr. Bourland moved that a further reading of the bill be suspended.

Motion carried.

Question—Shall the bill now under consideration of the House, be referred to the committee on State Affairs?

The House decided in the negative.

The sense of the House was then taken on Mr. Armstrong's amendment.

Amendment rejected.

The yeas and nays were called on the adoption of the amendment proposed by Mr. Willie, and stood as follows:

Yeas—Messrs. Speaker, Armstrong, Bourland, Burroughs, Bryan, Crutcher, Davis of L., Eddy, Edwards, Keenan, Lewis, Lyons, Miller of C., Pease, Potter, Rains, Rayner, Renfro, Robertson, Runnels, Stuart, Taylor, Winkler and Willie—24.

Nays—Messrs. Allen, Bogart, Carothers, Cunningham, Davis of R., Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Lott, Miller of C., Mosely, McNeill, Perry, Reagan, Saddler, Shannon, Shaw, Sterne, Stout, Truit, Webb, Walling, White and Wren—27.

Amendment rejected.

Mr. Willie moved that a call of the House be made.

Motion carried.

Mr. Mosely moved that the call of the House be suspended.

Motion lost.

Mr. Goode moved that the House adjourn until 10 o'clock to-morrow morning.

Motion lost.

Mr. Lewis moved that Mr. Dooley be excused from answering to the call of his name.

Motion carried.

Mr. Bogart moved that Mr. Crump be excused from answering to the call of his name.

Motion lost.

Mr. Allen moved that the House adjourn until half past 7 o'clock, p. m.

Motion lost.

Mr. Haynie moved that the House adjourn until half past 9 o'clock to-morrow morning.

Motion lost.

Mr. Renfro moved to adjourn until midnight.

Motion lost.

Mr. Haynie moved that the House adjourn until 10 o'clock to-morrow morning.

Motion lost.

Mr. Taylor moved that the call of the House be suspended.

Motion carried.

On motion of Mr. Willie,
Mr. Crump was excused from answering to the call of his name.

Mr. Crump moved the previous question.

The yeas and nays were called on the adoption of the motion, and stood thus:

Yeas—Messrs. Bogart, Carothers, Cunningham, Davis of R., Epperson, Fields, Goode, Hardeman, Haynie, Lott, Miller of C., Miller of H., Mosely, McCown, McNeill, Neal, Perry, Reagan, Saddler, Shannon, Shaw, Sterne, Stout, Taylor, Truitt, Webb, Walling, White and Wren—29.

Nays—Messrs. Speaker, Armstrong, Bourland, Burroughs, Bryan, Crutcher, Davis of L., Eddy, Edwards, Gilliam, Keenan, Lewis, Lyons, Pease, Potter, Rains, Rayner, Renfro, Robertson, Railey, Runnels, Stuart, Tankersley, Wheeler and Willie—25.

Motion carried.

Mr. Willie moved that a committee be appointed to wait on Messrs. Irion and Millican, and receive their votes.

Motion lost.

Mr. Mosely moved that the bill be engrossed.

Mr. Willie moved that the House adjourn until 10 o'clock to-morrow morning.

Motion lost.

Question—Shall the bill now under consideration of the House be engrossed?

Mr. Bourland moved that a call of the House be made.

Motion carried.

On motion of Mr. McCown,
The House adjourned until to-morrow morning, 10 o'clock.

House of Representatives,
Austin, Feb. 12th, 1848.

The House met pursuant to adjournment,

The Roll was called,

And the following members answered to their names :

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Carothers, Crutcher, Davis of L., Davis, of R., Edwards, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lewis, Lott, Lyons, Miller of C., Miller of H., McCown, McNeill, Pease, Potter, Rains, Rayner, Renfro, Reagan, Robertson, Railey, Runnels, Saddler, Shannon, Shaw, Sterne, Stout, Stuart, Taylor, Truit, Webb, Walling, Winkler, White, Willie and Wren.

A quorum present,

On motion of Mr. Crutcher,

The call of the House was suspended.

The Journal of the preceding day was read and adopted.

On motion of Mr. McNeill,

Leave of absence, for a few days was granted to Mr. N. S. Rector, second assistant Clerk of the House of Representatives.

Mr. Armstrong, one of the committee on the Judiciary, made the following report:

The committee on the Judiciary, to whom was referred a bill to be entitled "an act to regulate proceedings in cases of forcible entry and detainer," have had the same under consideration, and believing some law of the kind would be beneficial, recommend the passage of the accompanying substitute, proposed by the committee.

Report received; and the bill and substitute laid upon the table to come up in their regular order.

Mr. Potter, one of the committee on the Judiciary, made the following report:

The committee on the Judiciary, to whom was referred a bill to be entitled "an act to require all Mayors and Records of incorporated towns and cities, to call a jury, in the trial of causes, where the accused is subject, under the law, to fine and imprisonment, or either;" have had the same under consideration, and believe that under the provisions of the Constitution, such regulations, as are provided for by the bill, are necessary, and should be adopted. The committee have, therefore, instructed me to report the bill to the House, without amendment, and to recommend its passage.

Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Burroughs, chairman of the committee on enrolled bills, made the following report:

The committee on enrolled bills have examined "an act for the relief of the heirs of Jeremiah Bowling;" and

"An act creating the county of Medina," and find the same correctly enrolled; and having been signed by the Speaker of the House of Representatives, and the President of the Senate, they were, this day, presented to his Excellency, the Governor, for his approval.

Report accepted.

Mr. Fields, chairman of the committee on Printing, made the following report:

The committee on Printing, to whom was referred a bill, to be entitled "an act to provide for printing the laws and Journals of the State," have had the same under consideration, and have instructed me to return the bill to the House, and ask to be discharged from its further consideration.

The committee have already reported a bill providing for the election of a public printer; this bill provides a different mode of appointing that officer, and the committee have returned the bill, to give the House an opportunity to choose between the two.

Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Bogart moved to take from the table, and place among

the orders of the day, a bill to be entitled "an act to define the southren boundary line of Collin and Denton counties, &c."

Motion carried.

Mr. Haynie introduced a bill to be entitled "an act to repeal the 18th section of act entitled an act to incorporate the city of Austin, passed May the 11th, 1846."

Bill read a first time.

Mr. Willie introduced a bill to be entitled "an act for the compensation of District Attorneys, for prosecuting suits in favor of the State, against Colony Contractors."

Bill read a first time.

Mr. Eddy moved to take from the table and refer to the committee on State Affairs, a bill to be entitled "an act providing for the binding of the laws of the State, &c."

Motion carried.

Mr. Crutcher introduced a bill to be entitled "an act for the relief of Michael Short."

Bill read a first time.

On motion of Mr. Reagan,

The House proceeded to the orders of the day.

A bill to be entitled "an act to provide for deducting from the salaries of Supreme and District Judges, &c."

Was taken up.

Question—Shall the bill now under consideration of the House, be engrossed.

The yeas and nays were called on the engrossment of the bill, and stood as follows:

Yeas—Messrs. Allen, Bogart, Carothers, Crump, Cuning-

ham, Davis of R., Epperson, Fields, Gilliam. Goode, Harde-
man, Haynie, Lott, Miller of Colorado, Miller of Houston,
Mosely, McCown, McNeill Neal, Perry, Reagan, Railey Run-
nels, Saddler, Shannon, Shaw, Sterne, Stout, Taylor, Truit,
Webb, Walling and White—33.

Nays—Messrs. Speaker, Armstrong, Bourland, Burroughs,
Bryan, Crutcher, Davis of L., Eddy, Edwards, Keenan, Lew-
is, Lyons, Pease, Potter, Rains, Rayner, Renfro, Robertson,
Stuart and Willie—20.

Carried, and the bill ordered to be engrossed.

Mr. Dooley was excused from voting.

A bill to be entitled "an act regulating the Supreme Court,"
together with a substitute therefor, offered by the committee
on the Judiciary:

Were taken up and the substitute adopted.

Mr. Mosely moved to strike out "ten," before the word "per-
cent."

Mr. Willie moved a division of the question.

Motion carried.

Question: Shall the word "ten," which occurs before "per-
cent," in the bill, be stricken out.

The House decided in the negative.

A message was received from the Senate, informing the
House of the passage, by that body, of a bill to be entitled
"an act to establish the county seat of Denton county."

A bill to be entitled "an act for the relief of Jesse M. Cart-
right."

A "joint resolution in behalf of Edward A. Weyman, a res-
ident citizen of Nueces county."

A bill to be entitled "an act to amend the 2d section of an
act for the incorporation of the town of Paris, the county seat
of Lamar county," approved Feb. 3d, 1845; and

A "resolution concerning the disposition of the capitol, after the adjournment of the Legislature."

Mr. Pease moved that the bill under consideration of the House, be passed to a third reading.

Motion carried.

Mr. Stout moved that the rule of the House requiring bills to be read on three several days, be suspended.

Motion lost.

Mr. McNeill moved a reconsideration of the vote refusing to suspend the rule.

Motion carried.

Question: Shall the bill now under consideration of the House, be passed?

The House decided in the affirmative.

Mr. Pease, chairman of the committee on the judiciary, by leave, made the following report:

The committee on the judiciary, to whom was referred three bills, for changing the times of holding the courts, in the 1st, 3d & 7th, judicial districts, have had the same under consideration, and have directed me to report the accompanying bill to be entitled "an act to define the time of holding courts, in the several judicial districts of the State of Texas," passed May 11th, A. D., 1846," and to recommend that it be adopted as a substitute for the three bills referred to them; and, also, that it be passed by the House.

Report received, and the bills and substitute laid upon the table, to come up in their regular order.

A bill to be entitled "an act to reduce to its constitutional

size, define the boundaries, and permanently locate the county seat of Henderson county;"

Was taken up;

Read a third time and passed.

A bill to be entitled "an act to authorize and require the Commissioner of the Genral Land Office, or other receiver of public dues, in said office, to receive gold and silver, at the rate of one dollar thereof, for eight dollars in Texas Promissory Notes, for all government dues for land, or patents for land;"

Was taken up, and ,

Read a second time.

On motion.

The bill was laid upon the table.

A "resolution, proposing an amendment to the Constitution of the State, to be inserted as the 34th section;"

Was taken up, and

Read a second time.

On motion,

The resolution was referred to the committee on the judiciary.

A bill to be entitled "an act to define the county boundaries of Comal county," together with a substitute therefor, offered by the committee on county boundaries;

Were taken up, and

The substitute read and adopted.

On motion of Mr. Dooley,

The bill was ordered to be engrossed.

A message was received from the Senate, informing the House that the Senate insist on their amendment to a bill to be entitled "an act for the relief of those persons who are indebted to the State, on account of public dues, payable in the Promissory Notes of the late Republic of Texas;" and that they recede from their first amendment to a "joint resolution, instructing our Senators, and requesting our Representatives, in the Congress of the United States, to procure additional mail service."

A bill to be entitled "an act to incorporate Cherokee Academy, in the town of Rusk, and county of Cherokee,"

Was taken up, and

Read a second time.

On motion of Mr. Reagan,

The bill was referred to the committee on education.

The report of the committee on education, recommending that the memorial of the trustees of Marshall University, be referred to the committee on the judiciary;

Was taken up,

Read and adopted.

A bill to be entitled "an act to provide for the issuance of patents on land certificates which have been conditionally recommended;"

Was taken up, and read:

On motion,

The bill was referred to the committee on public lands.

A bill to be entitled "an act to compensate all commissioners that have been appointed, or may hereafter be appointed, by the Legislature to locate county seats, of all new counties that were created during the first Legislature of the State of Texas;"

Was taken up, and

Read a second time.

On motion of Mr. Dooley,

The bill was referred to the committee on county boundaries.

A bill to be entitled "an act to amend an act for the relief of Jonathan Bird," passed, January the 8th, 1845;"

Was taken up, and

Read a second time.

Mr. Stuart moved that the bill be referred to the committee on claims and accounts.

Motion lost.

Mr. Goode moved that the bill be referred to the committee on Finance.

Motion lost.

Mr. Mosely moved that the bill be referred to a select committee.

Motion carried.

The Chair then appointed Messrs. Mosely, McCown, Stuart, Bogart and Reagan, to constitute said committee.

A bill to be entitled "an act to change the name of Thomas Harvey, to Thomas Harvey Forrester;"

Was taken up;

Read a third time and passed.

A bill to be entitled "an act to provide for ceding to the United States jurisdiction of certain lands, in this State, for public purposes;"

Was taken up.

Mr. Davis of Liberty, moved that the bill be read by its caption.

Motion lost.

The bill was then read a third time and passed.

A bill to be entitled "an act regulating elections," together with the amendments, proposed by the committee on privileges and elections;

Were taken up, and

The amendments read and adopted.

Mr. Runnels proposed to amend the bill, by striking out the words "and reply, with a statement of the contestor" at the end of the 18th section.

Amendment rejected.

Mr. Mosely moved to amend the bill as follows:

SEC. 28. *Be it further enacted*, That all costs and expenses, accruing in contesting elections, shall be paid by the party failing, successfully, to contest the same; and that the costs shall be collected as in other cases."

Amendment rejected.

Question: Shall the bill now under consideration of the House be passed?

The House decided in the affirmative.

A bill to be entitled "an act to define the boundary lines of Matagorda county,"

Was taken up.

On motion,

The bill was read a third time by its caption, and passed.

A bill to be entitled "an act to legitimate Mary Malica Stalcup, and to render her capable of taking, by descent, the estate, or estates of her parents, Rhessa Greene Stalcup, and Mary Ann Stalcup;"

Was taken up;

Read a third time, and passed.

A bill to be entitled "an act to legalize the marriage of Rhessa Greene Stalcup, and Mary Ann Miller;"

Was taken up.

On motion of Mr. Goode,

The bill was read a third time by its caption and passed.

A bill to be entitled "an act to amend an act entitled an act to prescribe the time of the biennial meeting of the Legislature of the State of Texas;"

Was taken up;

Read a third time and passed.

A "joint resolution requiring the Attorney General to investigate the condition of the title to the various islands within the limits of Texas; and if it be expedient to cause legal proceedings to be instituted against persons claiming the same, adversely to the State;"

Was taken up,

Read a third time and passed.

Mr. Bourland moved that the bill to be entitled "an act to establish the Galveston and Red River Railway Company," together with the report of the committee on Internal Improvements, proposing an amendment thereto, be taken up.

Motion carried.

Question: Shall the amendment proposed by the committee on Internal Improvements, to the bill now under consideration of the House, be adopted?

The House decided in the affirmative.

Mr. Pease proposed to amend the bill, by inserting at the end of the 13th section thereof, the words

"Provided, however, That the Legislature of the State of Texas, shall have the right to fix and regulate the price that said company shall charge for carrying the public mails of the United States."

Amendment adopted.

On motion of Mr. Keenan,
The bill was then ordered to be engrossed.

On motion of Mr. Lyons,

The House adjourned until Monday morning, 10 o'clock.

House of Representatives,
Austin, February 14th, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names :

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Carothers, Crutcher, Davis, of L., Davis of R., Edwards, Fields, Gilliam, Goode, Hardiman, Haynie, Keenan, Lewis, Lott, Lyons, Miller of C., Miller of H., McCown, McNeill, Pease, Potter, Rains, Rayner, Renfro, Reagan, Robertson, Railey, Runnels, Saddler, Shannon, Shaw, Sterne, Stout, Stuart, Taylor, Truit, Webb, Walling, Winkler, White, Willie and Wren.

A quorum being present,

The Journal of Saturday, the 12th instant, was read and adopted.

Mr. Cunningham presented the petition of sundry citizens of Indian Point.

On motion of Mr. Cunningham,

The petition was referred to the committee on the Judiciary.

Mr. Willie, one of the committee on the Judiciary made the following report :

The committee on the Judiciary, to whom was referred a bill to be entitled "An act, to define the marital rights of parties in relation to community of property," have considered the same, and have instructed me to report the accompanying bill, as a substitute for the original, and to recommend its passage.

Report received, and the bill and substitute laid upon the table, to come up in their regular order.

Mr. Allen, chairman of the committee on State Affairs, made the following report :

The committee on State Affairs, to whom was referred a bill to be entitled "An act to establish a State Library, and to create a Library Fund," have had the same under consideration and

I am instructed to report the bill back to the House, with the recommendation that it be laid upon the table.

Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Eddy, one of the committee on State Affairs, made the following report :

The committee on State Affairs, to whom was referred a bill to be entitled "An act to authorize the Secretary of State to cause all the unbound enrolled acts and joint resolutions of the Republic of Texas, and of the first Legislature of the State of Texas, to be substantially bound, for preservation in his office," have had the same under consideration, and have instructed me to report the bill to the House, with an additional section, and to recommend its favorable consideration.

Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report :

The committee on Engrossed bills have examined

A bill to be entitled "An act to better define the boundaries of Walker county ;"

A bill to be entitled "An act authorizing and requiring the Commissioners' Courts of Counties to regulate roads and appoint overseers, &c.," and find the same correctly engrossed.

The committee would recommend that the words "Commissioners' Courts of Counties," (as there is no such Courts known to our laws,) be stricken out of the bill wherever they occur, and the words "County Courts" inserted in their stead.

Report read and accepted.

Mr. McNeill, chairman of the committee on the Land Office,

made the following report, in compliance with a resolution of the House, instructing the committee to investigate the condition, &c., of said office:

Committee Room,
February 14th, 1848.

To the Hon J. W. HENDERSON,
Speaker of the House of Representatives.

The committee on the Land Office, to whom was referred a resolution of the House of Representatives, requiring said committee to enquire into the manner in which the monies appropriated for the purchase of blank Patents, Stationery, Books, Postage, &c., have been expended: also, to enquire whether or not the Commissioner of the General Land Office has committed any malfeasance in office, have had the subjects contained in the resolution under consideration, and respectfully report: That they find by a statement furnished by the Comptroller, a balance of \$5,274 50, drawn and unaccounted for by the Commissioner of the General Land Office. The committee called upon the Commissioner for information in regard to the disbursement of the above sum, and received the following statement in explanation thereof, which they ask to be received as a part of this report, as it contains the only information that your committee have been enabled to obtain upon the subject. The committee do not deem it to be such a showing as is contemplated by law. They believe it is absolutely necessary that receipts and vouchers, containing specifications of articles purchased for the use of the government, should be exhibited by a public officer in the settlement of his accounts with the Comptroller, subject to the inspection of, and reported to the Legislature.

General Land Office,
Austin, January 19, 1848.

Honorable A. McNeill.

Sir:—By your request, I hasten to furnish the committee on

the General Land Office with a statement in reply to a resolution of the House of Representatives :

The last Legislature appropriated for Stationery, Books, &c., for the General Land Office, five hundred dollars ; for the purchase of Patents, twenty-three hundred dollars for the year 1846 : also, the same amounts for the year 1847—the appropriation of \$500 for Stationery, &c., for the year 1846, was paid upon an account of Stationery purchased at an early period of that year. The amount of twenty-three hundred dollars, for the purchase of Patents, was not drawn till some time in the month of August in the same year, in consequence (as the Comptroller informed me) of the Legislature having, for the pay of the members, drawn all the money out of the Treasury : but when procured, the Commissioner lost no time in forwarding the amount to the North for the purchase of Patents. Many accidents and much misfortune attended the remittance of the amount named, without, however, the State losing one farthing thereof, as the letter of Mr. Cocke, our agent, will show ; also, the receipt of the postmaster, showing the amount remitted by mail. The money appropriated for the year 1846, had hardly reached New York when the year 1847 came in, for much delay had been experienced in consequence of our mail vessels having been employed in the carrying trade to the seat of war.

—

Galveston, 22d September, 1846.

Thomas Wm. Ward, Esq.,
Commissioner of the General Land Office,

My dear Colonel—My unfortunate management of your money matters requires from me an explanation. Not exceeding ten minutes after you left our wharf for home, I unfortunately met Judge Toler ; upon my telling him what kind of an arrangement I had made for you, he remarked that he had just received a letter from his brother, in New York, who stated that one Mr. Martin had not arrived, nor had he been heard from ; from the date of Mr. Toler's letter, and one written by Mr. Martin to me, dated at Montgomery, Ala., made him 18 days

on the Southern route, when six days from that point is sufficient.

It struck me at once that Mr. Martin must have been taken sick on the road. Consequently, there could be no certainty when he would arrive in New York, and for fear of inconveniencing matters in your Land Office arrangements, I, on the same day purchased of Mr. S. W. Tichenor, of this place, two drafts of one thousand dollars each, drawn at sight by Major Irwin, U. S. Quartermaster, on Col. Hunt, Quartermaster General, New Orleans.

The "New York" arrived some two days after, and Captain Phillips informed me that the draft for \$500 of the same description had not been paid by Col. Hunt at sight, for want of funds, but would assure him that on his return all demands against the government would be promptly paid, and this I thought to be perfectly satisfactory. On return again of the "New York," the result was no better, but promised to pay on the next trip. Losing all confidence in the promises of the U. S. Government, I purchased checks on the Canal Banking Company for \$1,100 and \$250 in gold, with directions to have as much of the former drafts shaved, provided they were not paid, as would be necessary to make your accounts good with Mr. Bean. The steamer "New York" left, and after traveling some 45 miles, foundered, and was lost. The clerk of the "New York" has paid me \$2,000 which I believe is the only dollar paid which was in charge of the captain of that ill-fated steamer.

You will herewith receive the certificates of the portmaster of this city, of the deposit by me in that department, in two letters, of \$2,300 remitted to Mr. A. Bean for your account, in the U. S. Treasury notes cut in half, the right half in one letter and the left half in the other. My dear Colonel, I hope, in our future money arrangements, (should there be any,) that I may not be so largely the loser: but having violated the agreement, I have no one to blame but myself, because Mr. Martin was in New York in time.

Very respectfully your obedient servant.

[Signed]

JAMES H. COCKE.

I do hereby certify that James H. Cocke, Esq., has, this 22d day of September, 1846, deposited in the postoffice at Galveston, two letters, containing the right and left halves of \$2,300

U. S. Treasury notes, directed to A. Bean, Esq., New York for account of Thomas Wm. Ward, Commissioner of the General Land Office of the State of Texas, to be forwarded by the first mail.

[Signed].

R. D. JOHNSON,
Postmaster, Galveston.

Postage on same, paid by J. H. Cocke, sixty cents.

The appropriations for the purchase of Patents for the year 1847, have also been put into the hands of the agent, for the purpose of purchasing the Stationery and Patents contemplated by law, of which this office has received the Stationery and Books, &c.: also, Patents are forwarded from time to time, and received by this office, and as the agent says, as fast as they can be printed, which you will perceive by his letter of December 13th last upon the subject, and I now only wait the arrival of the remainder of the Patents and the accounts current to settle with the Comptroller of Public Accounts.

New York, Dec. 13th, 1847.

My Dear Colonel:—I write a word to say I have sent bill lading to Darnell & Co., (of one box parchment, five bundles of matting, three pieces sail-cloth for your house, one bundle hardware, two locks and one dozen bolts, date 1st instant, but the vessel (Herald) did not sail till three days ago. I wrote to Shackelford & Co.,—the bundles of matting contained about 200 yards. and is the fancy kind, looking like carpet. I write to Susan the particulars; and the stuff is directed—"Col. T. W. Ward, Austin, Texas." The box has 2,000 parchment, splendid. I will write you at length in a few days, or, just before I start, which I hope will be in ten days. I have been bothered to death with detentions, and am only waiting for the parchment to be finished,—I will *see it* before I leave. All well. The gun has been presented to the Historical Society, and a complimentary letter written to you, which Dudley will forward, if he gets it ready.

Very truly,

A. H. BEAN. •

The mail is just closing.

The Legislature appropriated three hundred dollars per annum for postage, out of which the whole amount drawn since the appropriation was made, is \$250, and of which \$109 15 has been paid the post office, which leaves from the \$250 drawn, a balance in the General Land Office of \$140 85, as is shown by certificates herewith annexed, as follows:

Comptroller's Office,
Austin, January 19th, 1848.

This certifies that the appropriation for Stationery for the General Land Office, for the year 1846, amounting to \$500, was drawn on the approval of the Commissioner to an account for that amount, which closed the transaction with this office.

JAMES B. SHAW, Comptroller.

Comptroller's Office,
Austin, January 19th, 1848.

This certifies that Thomas W. Ward, Commissioner of the General Land Office, has drawn on accounts of postage of the General Land Office, the sum of \$250, and on the 8th of October last accounted to this office for \$75 45 of the same. The vouchers filed in this office is for postage to the 21st September, 1847.

JAMES B. SHAW, Comptroller.

Austin, A. D. 1847.

General Land Office,

To S. G. Haynie, P. M., Dr.

For amount of postage from Sept. 24th, to Nov. 29th, \$13 70

Received payment,

S. G. HAYNIE, P. M.

December 1st, 1847.

Received on deposit twenty dollars payment for postage,

S. G. HAYNIE, P. M.

With much respect,

I am your very obedient servant,

THOS. W. WARD.

Upon a further investigation of the disbursements of the Land Office, your committee have to say, that they examined the appropriations from the year 1842 to 1845 inclusive, and find vouchers covering the amount drawn: but, your committee are of opinion that these appropriations were not economically expended. Many extravagant and unauthorized channels have been found, through which, in the opinion of your committee, the public funds have been wasted. Unreasonable accounts have been allowed as travelling expenses of agents to and from New York, ostensibly for the purchase of Patents. In order to show the House of Representatives the reasons which induced the committee to form this opinion, they would mention two or three items charged in the vouchers, on file in the Auditor's Office. One of these is a charge of \$32 from this place to Galveston; and in addition, a steamboat fare of \$3 from Houston to Galveston, making the sum of \$35 travelling expenses for that distance;—besides which, a charge was made in addition, for horse hire, at one dollar per day.—The expense of the whole trip, was \$336. A second trip which was made avowedly for the same object, cost the State \$442 in addition to the salaries of these agents. Your committee can see no necessity for this extravagant expenditure of money, and fear that they were merely trips of pleasure at the expense of the State. Your committee would here take occasion to present to the Honorable House of Representatives, the following calculations based upon the information received in this investigation, that there have been appropriated and drawn for the years 1842 to 1847 inclusive, the sum of \$8,945 for the purchase of blank Patents: if this sum had all been applied to the purchase of Patents alone, (its legitimate use) allowing the highest price, (thirty-four cents) to be paid for them, it would buy 26,300. We are informed by the Commissioner, that he has issued 11,793 Patents: blanks on hand 2,946, making the sum of 14,739, which have been received. If we allow 2,500 patents for wastage, it would make the amount 17,339, which deduct from 26,300, would leave a balance of over 9000; which, according to this calculation, ought to be on hand, and which would be sufficient for the use of the Government, for the next two years. We are told by the Commissioner, that another box of patents, is on the way, which he expects shortly to receive, number not known.

Your committee find from examination of the vouchers, that

a considerable amount of the appropriations have been absorbed in order and in their opinion, inappropriate expenses which were not contemplated by the Government, and not provided for by any law known to your committee.

They can find no law authorizing a disbursing officer to pay out money for any other than the object for which it was appropriated. The committee have also examined the returns of Government dues and patent fees, and suppose them to be correct. The amount of \$122,694 46, has been deposited in the Comptroller's Office by the Commissioner, of which sum, \$62,405 was paid for patent fees,—the balance, \$60,289 for Government dues. As there is no check on the Land Office by which a test of the correctness of the collection of Government dues can be easily ascertained, the committee have been under the necessity of taking the statements of the deposits in the Comptroller's Office, and the amount on the books of the Land Office as correct. We find these deposits have been made, in many instances, at times different from that pointed out by law, and without returns shewing the amounts collected.

A considerable waste of the public money has been discovered by your committee in this: that the Commissioner has at different times paid persons for alledged services which were never rendered. The committee refer particularly to a case of General Moorehouse, who was at one time, a clerk in the Land Office. The gentleman left the Office about the middle of May, 1844, for the purpose of attending the court martial convened at Washington for the trial of Commodore Moore, of which court he was a member. The General, as the Commissioner admitted, never afterwards returned as a clerk to the Land Office; and, yet, his account was allowed and approved, up to the last day of August of the same year, being *three and a half months*, for which he was paid \$70 83 per month, making \$247 90 of the public money, thus, unlawfully paid away, for which the State never received one moment's service.

This is such a wide deviation from the rule of right—from the course a public officer should pursue, and from what the people who contribute to the support of the Government have a right to expect of their public servants in the disbursement of the public funds, that your committee feel bound to give it their unqualified disapprobation. These facts are proven by the books of the Auditor's Office, shewing to what time General Moorehouse was paid; by the journals of the court martial, to

be found in the Office of the Adjutant General, shewing that he was in attendance on the court martial, on the 20th day of May, 1844, and by the testimony of the Commissioner, that he never returned to the Land Office.

Again, an accident of this kind happened in payment of money to another of the clerks,—we allude to the allowance of \$50 to Mr. Remer, for which no services were rendered. It appears from the testimony of several witnesses, that Mr. Remer arrived in the city of Austin on the last day of September, 1846, and on the 10th of November, following, his account for pay as clerk for the months of *September and October*, was approved by the Commissioner, and the money drawn, it would seem in his presence and with his knowledge, from the fact that it has been proven that he and Remer were together in the Treasury Department at the time this money was drawn.—The following is the evidence adduced by the Commissioner on this subject, which we submit for the consideration of the House :

General Land Office, }
State of Texas,

To THOS. W. WARD,

Dr.

For 1 quarter's salary, due
Nov. 10, 1846, inclusive,
at \$1,500 per annum,

\$375 00

COMPTROLLER'S OFFICE, }
Austin, Jan'y. 18, 1848.

I certify that the Treasury Warrant, issued in payment of the above claim, was dated and drawn on the 10th of November, 1846.

JAMES B. SHAW,
Comptroller.

GENERAL LAND OFFICE, }
Austin, Jan'y. 19, 1848.

I, Wm. A. Remer, do hereby certify, that upon the 10th of Nov., 1846, I met Col. Thos. Wm. Ward at the Treasury Office,

and that I drew the amount of my salary as an assistant clerk of the General Land Office from the Treasury Department, individually; and I do further certify, that Col. Thomas Wm. Ward took no action whatever in that office in relation to my act in the receipt of the money, or transaction of the same, his business there, being for the purpose of collecting his own account for pay due him, as I saw by the money paid him.

W. A. REMER.

The committee have never for a moment supposed that the Commissioner was with Mr. Remer for the purpose of officiating in the procurement of his pay, because we believe it is the duty of the Comptroller to allow the accounts of clerks in the Land Office, whenever approved by the Commissioner; but the committee think it more than probable that as the two gentlemen were in the Treasurer's Office on the same business, and at the same time; and Mr. Remer saw the Commissioner, as he says, receive his pay—that the Commissioner must also have seen Mr. Remer receive his. The Commissioner's main defence in this matter is, that it was an oversight—that he approved the account of Remer without noticing the time for which it was drawn. He says that, an informal account was made out for him to approve; and to get the account in the right shape, a form was furnished by himself, and the "young man" copied the form as written out, without, altering it to cover the right time.

The account is, as follows:

General Land Office, }
State of Texas; }

To W. A. REMER,

Dr.

For services as assistant clerk in
the General Land Office, for the months
of September and October, ..

\$100 00

Approved, THOS. W. WARD,
Commissioner.

A correct copy of the original:

JAMES B. SHAW,
Comptroller.

The committee have also been furnished by the Commissioner since this investigation commenced, with the following :

JANUARY 18th, 1848.

On the 17th instant, fifty dollars was deposited and paid into the Treasury, on account of the above, by Mr. William A. Remer.

JAMES B. SHAW,
Comptroller.

The committee will dismiss this subject with the remark, that it seems strange, indeed, that the *form* furnished by Mr. Remer, and which it appears, as the Commissioner states, he did not correct or alter, should have contained *the months of September and October*, when he had only served for the month of October. Your committee would, also, refer to another act of the Commissioner, for which they can find no law : In this ; that a book-binder has been employed and paid out of the appropriation for pay of clerks in the Land Office for the year 1846, all of which had not been expended, the service he rendered, in 1847, and dated back to fit the appropriation—his account being made out and approved by the Commissioner as assistant clerk, until the appropriation for the pay of clerks for that year was exhausted, when his account was made out as assistant draftsman ; and, thus, money appropriated for a certain purpose, has been drawn and used for a different one.—We must further remark, that we are unable to see the necessity of employing this individual for so long a time as seven months, when he could be of no service in any way in the Office, except as a book-binder. That all the binding done for the *Land Office really*, could have been done in a much shorter period, and at much less expense, is beyond dispute.

One other fact, though small in itself, the committee feel bound to report, which is, that the Commissioner has in some instances, issued Patents without charging the fees for the same as prescribed by law. The committee do not mention it for

the amount, or the extent to which this practice has prevailed, but because it is a violation of law. It has, also, been shown to your committee, that an individual to whom the Commissioner had some personal ill-will, was informed, that he ought not to expect favors in the Land Office, when operating against him in his out-door speeches.

Your committee would respectfully state in conclusion, that they have gone through this investigation carefully, and impartially, acting up to the old motto, to "nothing extenuate, nor ought set down in malice." They have performed the duties imposed upon them by the resolution of the House, according to the best information they could obtain, and as agreed upon by the committee in the commencement of this investigation, have reported the facts to the House.

All of which is respectfully submitted,

A. McNEILL,
RICHARD N. GOODE,
WILLIAM FIELDS,
JOHN H. REAGAN.

Not having been present at all the enquiries of the committee, can vouch for the correctness of the statements of such facts as were shown while I was present.

JAMES ARMSTRONG.

Committee Room,
Feb. 7th, 1848-

*To the Hon. J. W. Henderson,
Speaker of the House of Representatives :*

The committee on the Land Office, to whom was referred a resolution of the House of Representatives, instructing said committee to enquire what fees have been charged in the Land Office, if any, and by whom: and if any, under what law said charges were made, and the probable amount per annum; have had the same under consideration, and a majority of said committee have instructed me to report the following facts;

That it has been proven to the satisfaction of the committee,

by the testimony of various persons, that fees have been charged in the Land Office, by the clerks of said office, for copies both in English and Spanish, for translations, etc. English copies of field notes, certificates, &c., are charged at from two to four dollars; the lowest charge made for Spanish titles, or translation of title, is four dollars, and varying to seven, ten, fifteen, and even higher in some instances, in proportion to the length of the document.

Your committee find that this practice has prevailed in the Land Office since its creation, but under no law or authority known to the committee. It appears to have commenced under the administration of the former Commissioner, whose rates of charge was furnished us as a justification of its continuance by the present incumbent.

It is found by the evidence of some of the clerks, and by the admission of the Commissioner himself, that the fees thus charged are divided with the Commissioner for his seal and certificate. The Spanish clerk stated distinctly, that he invariably paid two dollars for the official seal and certificate attached to all translations of Spanish titles made by him, and that he of course took this into consideration in making his charges accordingly.

Your committee have not been able to ascertain with any degree of certainty, what is the probable annual amount of these fees, but believe, they amount to a very considerable sum. Mr. Fisher, the Spanish clerk, stated, that the payments of this kind to himself alone, were probably five hundred dollars per annum, others believe more, but your committee have not had sufficient information upon this subject, to arrive at any satisfactory conclusion. They are satisfied, however, that thousands of dollars have been thus collected in the Land Office annually.

It is perhaps due to the Commissioner of the General Land Office, as well as the clerks, to state that the work for which these fees are charged, is alleged to have been done by them, out of what is called office hours, and they therefore considered themselves, they say, entitled to the privilege of charging fees. It is not probable, however, the committee think, that the seal and official signature of the Commissioner are always affixed out of office hours, and if done during the usual business hours of the day, your committee are clearly satisfied that any fee charged for the same is in contravention of law, and

whether done in or out of office hours, during the day or the night, they believe no right exists to charge any other fee for an official act, than those expressly provided for by law. The eighth section of an act entitled an act to reduce into one and to amend the several acts relating to the establishment of the General Land Office, is an entire prohibition to the charging of any fees whatever, except such as are specifically provided for; and it is obvious to your committee, that the object of giving to each and every person employed in the Land Office, *an annual salary*, was to prevent the very practice which has so extensively prevailed in that department. Your committee believe that when an officer receives an annual salary, he should not under any circumstances, be allowed to charge fees of any kind, for business done in the office to which he is assigned, except such as may be required by the government, the amount and manner of collecting which, is of course pointed out. The effect of a different course would be, to pay him twice for the same labor, and any business done by, and through the office, must, to be official, have the sanction of the law, and consequently, is the legitimate business of the office. In view of these facts, the committee unhesitatingly declare it as their opinion, that a law ought to be passed by this Legislature, regulating fees for transcripts, papers and documents of every kind, furnished by the Land Office, and making such fees a source of revenue to the State, and the committee therefore beg leave respectfully to recommend this matter to the consideration of the Legislature. All of which is respectfully submitted.

Signed,

A. McNEILL,
RICH'D N. GOODE,
WM. FIELDS,
JOHN H. REAGAN,

Not having been present at all the enquiries of the committee, can vouch for the correctness of such facts as were shown while I was present.

Signed,

JAMES ARMSTRONG.

Mr. Stout, one of a select committee, made the following report:

A majority of the select committee to whom was referred a resolution instructing them to enquire into the expediency of the passage of a law, for the purpose of raising a permanent jury fund, have had the same under consideration, and have instructed me to report the accompanying bill to the House, and to recommend its passage.

Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Truit introduced a "joint resolution appropriating one hundred dollars, for the purpose of procuring a map of Shelby county."

Joint resolution read a first time.

A message was received from the Senate, informing the House of the passage by that body, of

A "joint resolution for the benefit of the Texas volunteers called into the service of the country in the year 1846:" and

A bill to be entitled "an act to locate the county seat of Cass county."

Mr. Miller, of H., introduced the following resolution :

"Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of passing a general *fee bill*—regulating and prescribing the *fees* for the official duties of all State and County officers, and report as early as practicable, by bill, or otherwise."

Resolution adopted.

Mr. Cunningham introduced a bill to be entitled "an act concerning divorce and alimony."

Bill read a first time.

Mr. Cunningham also introduced a bill to be entitled "an act to incorporate the town of Indian Point,"

Bill read a first time.

Mr. Winkler introduced a bill to be entitled "an act concerning fraudulent grants to lands, &c."

Bill read a first time.

Mr. Bourland, from the committee on public lands, made the following report:

The committee on Public Lands, to whom was referred the "petition of Edward Hall, praying that a patent may issue to him, on a survey made by virtue of an act of the Consultation, passed November the 9th, 1835, granting him one league of land, in the same manner as though the certificate had been issued in the usual form," have had the same under consideration, and have examined the resolution granting the petitioner one league of land, and find that the said grant was made to him *specialty*, for his disinterested, bold, and energetic services in the cause of Texas, at the commencement of the revolution, and the committee can see no reason why the same should not be patented. They have, therefore, instructed me to report the accompanying joint resolution, embracing the object of the petitioner, and to recommend its passage.

Report received, and the joint resolution laid upon the table, to come up in its regular order.

Mr. Bogart moved to take from the table a bill to be entitled "an act to create the county of Cooke," and refer the same to the committee on County Boundaries.

Motion carried.

Mr. Robertson introduced the following resolution:

"Resolved, That the House will receive no new business after Friday, the 18th inst."

Resolution laid upon the table one day, for consideration.

Mr. Henderson introduced a bill to be entitled "an act to incorporate the Houston Lyceum."

Bill read a first time.

Mr. Bogart introduced the following resolution;

"Resolved, That the committee on Privileges and Elections be instructed to report to this House, on to-morrow, relative to the bill to be entitled 'an act apportioning the representation of the State, &c.'"

Resolution adopted.

Mr. Mosely, by leave, made the following report:

The select committee to whom was referred a bill to be entitled "an act to amend an act for the relief of Jonathan Bird, passed January the 8th, 1845," have had the same under consideration, and have instructed me to report the bill back to the House, and to recommend its passage, with the following amendment:

After the word "receivable;" in the 1st section of the bill, insert "his heirs or assigns."

All of which is respectfully submitted for the favorable consideration of the House,

Report received, and the bill and amendment laid upon the table, to come up in their regular order.

Mr. Pease moved to take up the report of the committee on the Judiciary, together with the substitute offered by said committee, for the three bills which were referred to them.

Motion carried.

The substitute was then read and adopted.

Mr. Keenan moved that the rule of the House, requiring bills to be read on three several days, be suspended.

Mr. Willie in the chair.

Mr. Henderson moved that the bill be referred to the committee on the Judiciary.

Motion carried.

Mr. Lewis moved to take from the table, and place among the orders of the day, a bill to be entitled "an act for the relief of N. R. Mallon, and others," and a bill to be entitled "an act providing for printing the laws and journals in the Spanish and German languages."

Motion carried.

Mr. Eddy moved to take from the table, and place among the orders of the day, a bill to be entitled "an act to create the county of Delta."

Motion carried.

A bill to be entitled "an act to regulate the trial of suits for title to land," being the special order of the day, was taken up.

Mr. Robertson moved that the bill be made the special order of the day for Thursday next.

Motion carried.

A "joint resolution instructing our Senators, and requesting our Representatives in the Congress of the United States, to procure the passage of a law establishing two Districts for the United States' District Court, in the State of Texas," together with the report of the committee of conference, (recommending that the House adhere to its substitute,) were taken up and read, and the report adopted.

A bill to be entitled "an act to provide for the enclosing of cotton gins," was taken up,

Read a third time, and rejected.

A "joint resolution for the relief of Ford & Cronican," was taken up,

Read a third time, and passed.

A bill to be entitled "an act to provide for the exchange of books, maps, charts, &c.," was taken up, and

Bill read a third time.

Mr. Miller, of H., moved that the rule of the House, preventing bills from being amended on their third reading, be suspended.

Motion carried.

Mr. Miller of H., then moved to strike out the word "Executive," wherever it occurs in the bill, after the 1st section, and insert "Secretary of State;" and also to strike out the word "Executive," in the 1st section of the bill, and insert "Governor."

Amendment adopted, and the bill passed.

A "joint resolution confirming a certificate for one league and one labor of land, issued to John Vanderworth, by the Board of Land Commissioners of Austin county," was taken up,

Read a third time, and passed.

A bill to be entitled "an act to authorize the opening and construction of a turnpike road from the city of Houston to the Brazos river," was taken up, and

Read a third time.

The yeas and nays were called on the final passage of the bill, and stood as follows:

Yeas—Messrs. Sepaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Carothers, Crutcher, Davis of L., Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Lewis, Lott, Lyons, Miller, of C., Miller of H., Mosely, McCown, McNeill, Neal, Perry, Rayner, Renfro, Reagan, Robertson, Saddler, Shannon, Shaw, Sterne, Stout, Stuart, Taylor, Walling, Winkler, Wheeler, White and Willie—45.

Nays—Mr. Rains—1.

Bill passed.

A bill to be entitled “an act to remove the Land Office of Robertson Land District, from Franklin, in Robertson county, to Springfield, in Limestone county;”

Was taken up.

On motion of Mr. Henderson,

The bill was read a third time, by its caption and passed.

A bill to be entitled “an act to make an improved charter of Goliad city;”

Was taken up.

Mr. Allen moved that the bill be read by its caption.

Mr. Reagan called for the reading of the entire bill.

Question: Shall the bill be read by its caption?

The House decided in the affirmative.

The bill was then read a third time by its caption.

The yeas and nays were called on the final passage of the bill, and stood as follows:

Yeas—Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Carothers, Crump, Crutcher, Cunningham, Davis of R., Epperson, Hardeman, Haynie, Keenan, Lewis, Lott, Miller of C., Miller of H., Mosely, McNeill, Neal, Perry, Rayner, Robertson, Saddler, Shaw, Sterne, Webb, Walling, Winkler, Wheeler and White—32.

Nays—Messrs. Burroughs, Eddy, Fields, Goode, Lyons,

McCown, Pease, Rains, Renfro, Reagan, Runnels, Stout, Stuart, Taylor, Truit and Willie—16.

Bill passed.

Messrs Davis of R., Goode and Bogart, asked to be excused from voting.

The House refused to excuse.

A bill to be entitled "an act to allow offsets, in certain cases;"

Was taken up, and

Read a third time.

The yeas and nays were called on the final passage of the bill, and stood as follows:

Yeas—Messrs. Allen, Armstrong, Bourland, Bryan, Carothers, Crump, Crutcher, Cuninghame, Davis of L., Davis of R., Epperson, Haynie, Keenan, Lewis, Lott, Lyons, Miller of C., Mosely, McCown, Neal, Potter, Rains, Rayner, Robertson, Shaw, Sterne, Stout, Stuart, Truit, Walling, White and Willie—32.

Nays—Messrs. Speaker, Bogart, Burroughs, Eddy, Edwards, Fields, Goode, Hardeman, Miller of H., McNeill Pease, Perry, Renfro, Reagan, Runnels, Saddler, Taylor, Webb, Winler and Wheeler—20.

Bill passed.

On motion of Mr. Stout,

The House adjourned until 3 o'clock, p. m.

3 o'clock, p. m.

The House met pursuant to adjournment.

The roll was called,

And a quorum found present.

A bill, to be entitled "an act to incorporate the Houston Mechanic's Institute;"

Was taken up, and

Read a third time.

The yeas and nays were called on the final passage of the bill, and stood thus:

Yeas—Messrs. Speaker, Allen, Bogart, Bourland, Bryan, Carothers, Crump, Crutcher, Davis of R., Edwards, Epperson, Gilliam, Goode, Hardeman, Haynie, Keenan, Rayner, Reagan, Robertson, Saddler, Shannon, Shaw, Sterne, Stuart, Taylor, Truit, Webb, Walling, Winkler and Willie—37.

Nays—Messrs. Davis of L., Eddy, Fields, Pease, Rains, Runnels, Stout and White—8.

Bill passed.

A bill to be entitled "an act regulating the fees and charges of the public officers of the State;"

Was taken up, and

Read a second time.

On motion of Mr. Willie,

The bill was referred to the committee on the judiciary.

Mr. Goode moved that a bill to be entitled "an act to regulate the public printing," be taken up, together with the substitute offered by the committee on printing.

Motion carried.

The substitute was then read, and

On motion of Mr. Willie,

Adopted.

Mr. Davis of Robertson, moved to strike out the word

"without," and insert the word "with," before the words "marginal notes."

Amendment rejected.

Mr. Goode moved to strike out the word "separate," before "contract," in the 8th section of the bill.

Amendment rejected.

Mr. Willie proposed the following as an amendment to the bill:

In the 2d section, strike out the words, "two thousand four hundred copies, of the laws of the present Legislature," and insert "twenty-five hundred copies of the laws of a general nature, and five hundred copies of all acts for private relief, and all acts incorporating towns, cities, Institutions of learning, and private associations of every nature."

The yeas and nays were called on the adoption of the amendment, and stood as follows:

Yeas—Messrs. Speaker, Armstrong, Burroughs, Bryan, Carothers, Crump, Crutcher, Davis, of L., Davis of R., Eddy, Edwards, Epperson, Fields, Gilliam, Hardeman, Haynie, Keenan, Lott, Lyons, Miller of C., Mosely, McNeill, Neal, Pease, Potter, Perry, Rains, Rayner, Robertson, Runnels, Saddler, Shaw, Stout, Stuart, Taylor, Webb, Walling; Wheeler and Willie: 40.

Nays—Messrs. Allen, Bogart, Bourland, Goode, McCown, Reagan, Shannon, Truit and Winkler—9.

Amendment adopted.

Mr. Willie moved to amend the second section of the bill as follows:

"It shall be the duty of the Secretary of the Senate, and of the Chief Clerk of the House of Representatives to cause to be copied the journals of the respective Houses, and prepare them for the press. They shall correct the proof sheets, and

superintend the printing, and shall be allowed twenty-five cents, a hundred words, for preparing the journals, and superintending their publication, as herein provided."

Mr. Fields moved to amend the amendment, by striking out "twenty-five," before "cents," and inserting "twenty."

Motion carried.

Mr. Haynie moved to amend the amendment, by inserting after the word "nature," and five hundred copies of the journals of the last Legislature."

The yeas and nays were called on the adoption of the amendment, and stood as follows:

Yeas—Messrs. Speaker, Allen, Bourland, Burroughs, Crump Eddy, Gilliam, Goode, Hardeman; Haynie, Keenan, Lott, Mosely, McCown, Perry, Rayner, Reagan, Runnels, Shannon, Stout and White—21.

Nays—Messrs. Armstrong, Bogart Bryan, Carothers, Crutcher, Davis of L., Davis of R., Edwards, Epperson, Fields, Lewis, Lyons, Miller of C., McNeill, Neal, Pease, Potter, Rains, Robertson, Saddler, Shaw, Sterne, Stuart, Taylor, Truit, Webb, Walling, Winkler, Wheeler and Willie.—30.

Amendment rejected.

The sense of the House was then taken on the amendment proposed by Mr. Willie, and the

Amendment adopted.

Mr. Bogart moved the engrossment of the bill.

Motion carried, and

The bill ordered to be engrossed.

A bill to be entitled "an act for the relief of the heirs of Alford Moore, dec'd.;"

Was taken up, and

Read a second time.

On motion of Mr. Stout,

The bill was referred to the committee on the judiciary.

Mr. Bryan, chairman of the committee on engrossed bills, made the following report:

The committee on engrossed bills, have examined a bill to be entitled "an act to establish the Galveston and Red River, Railway Company," and find the same correctly engrossed.

Report accepted.

A bill to be entitled "an act to authorize persons who have located their land claims, upon lands not vacant at the time of making their locations, to lift and re-locate them;"

Was taken up, and

Read a second time.

On motion of Mr. Davis of R.,

The bill was referred to the committee on public lands.

A bill to be entitled "an act to provide for the further collection of the taxes of the year 1846;" together with an amendment, proposed by the committee of Finance;

Were taken up, and read, and

The amendment adopted.

On motion of Mr. Runnels,

The bill was referred to the committee on the judiciary.

A bill to be entitled "an act to repeal the 2d and 4th sections of an act requiring the Commissioner of the General Land Office to issue patents upon unconditional headright certificates for land, approved May 12th, 1846;"

Was taken up and read a third time.

On motion of Mr. Potter,

The bill was referred to the committee on the judiciary.

The substitute for a bill from the Senate to be entitled "an act authorizing and requiring the Governor to subscribe three hundred copies of the decisions of the Supreme court of this State;"

Was taken up, read a third time, and passed.

On motion of Mr. Taylor,

The House adjourned until to-morrow morning, 10 o'clock

House of Representatives,
Austin, February 15th, 1848.

The House met pursuant to adjournment.

The Roll was called,

And the following members answered to their names:

Messrs. Speaker, Allen, Bogart, Burroughs, Bryan, Carothers, Crump, Crutcher, Cunningham, Davis of L., Davis of R., Eddy, Edwards, Epperson, Gilliam, Goode, Hardeman, Haynie, Keenan, Lewis, Lott, Lyons, Miller of C., Miller of H., Mosely, McCown, Neal, Perry, Rains, Rayner, Renfro, Reagan, Robertson, Railey, Runnels, Saddler, Shannon, Shaw, Sterne, Stout, Taylor, Truit, Webb, Walling, Winkler, White and Willie.

A quorum present,

On motion of Mr. Allen,

The Hon. Mr. Stewart, the member elect, from Gonzales county, came forward, presented his credentials, and took the oath, prescribed by the Constitution, and his seat as a member of the House.

The Journal of the preceding day was read and adopted.

Mr. Willie presented the petition of the heirs of Henry Ne-mans.

On motion,

The petition was referred to the committee on public Lands.

Mr. Keenan, chairman of the committee on Education made the following report:

The committee on Education, to whom was referred a bill, to be entitled "an act to incorporate Cherokee Academy, in the town of Rusk, and county of Cherokee, have had the same under consideration, and would respectfully recommend its passage.

Report received, and the bill laid upon the table to come up in its regular order.

Mr. Robertson, one of the committee on Military Affairs made the following report:

The committee on Military Affairs, to whom was referred a communication from Capt. Henry E. McCulloch, commanding a company of Rangers on our frontier, have had the same under consideration, and beg leave to report the accompanying Joint Resolution, for the consideration of the House.

Report received, and Joint Resolution laid upon the table to come up in its regular order.

Mr. Cunningham, chairman of the committee on Privileges and Elections, made the following report:

The committee on Privileges and Elections, to whom was referred a bill to be entitled "an act to apportion the Senators and Representatives of the Legislature, among the several

counties of this State," together with a substitute therefor, to be entitled "an act concerning the apportionment of representation in the State," have had the same under consideration, but have arrived at no definite conclusion upon the subject matter of the said bills. Yet, in obedience to the mandate of the Hon. House, the committee beg leave to report the said bills back to the House for its consideration.

Report received, and the bills laid upon the table to come up in their regular order:

Mr. Allen, chairman of the committee on contingent expenses, made the following report:

The committee on contingent expenses, to whom was referred a resolution authorizing them to examine the amounts of Expenses incurred in taking care of John Frederick, who was injured by the accidental discharge of a cannon, on the day of the arrival of the remains of Capt. Samuel H. Walker, &c., have instructed me report, that the total amount of expenses, as per accounts for medical and other attention, is two hundred and twenty seven dollars; but, as some of the charges appear to be too high, your committee recommend that the following amounts be paid out of the contingent funds of the Legislature:

To J. E. Elgin	\$50,00
" James A. Horne	15,00
" M. R. Thompson	47,00
Amounting in all to one hundred and twelve dollars.	

Report received and laid upon the table to come up in its regular order.

Mr. Stuart, chairman of the committee on Finance, made the following report:

The committee on Finance, to whom was referred a bill to

be entitled "an act for the relief of David G. Burnet," have had the same under consideration, and have instructed me to report the bill back to the House, without recommending the appropriation contemplated by its provisions.

Report received and the bill laid upon the table to come up in its regular order.

Mr. Stuart, chairman of the committee on Finance, also made the following report:

The committee on Finance, to whom was referred the petition of James A. Smith and Samuel H. Reed, praying for the passage of a law to authorize them to draw from the Treasury, money belonging to the estate of R. Vaughn, dec'd on account of claims set up against said estate, by the petitioners; and which they neglected to present for settlement, until after the administration had been closed, and their accounts were barred by law; have had the subject matter under consideration, and believe that the passage of the law asked, would be of doubtful propriety, and a dangerous precedent for future Legislation.

The petition is, therefore, reported back to the House, without a recommendation to grant the relief prayed for, and the committee ask to be discharged from its further consideration.

Report received, and the petition laid upon the table to come up in its regular order.

Mr. Bryan, chairman of the committee on engrossed bills made the following report:

The committee on engrossed bills, have examined a bill to be entitled "an act organizing County Courts," and
A bill to be entitled "an act to regulate proceedings in the

County Court, pertaining to estates of deceased persons," and find the same correctly engrossed.

Report accepted.

Mr. Fields introduced a bill to be entitled "an act to legalize certain headright certificates, issued by George W. Miles, formerly Chief Justice of Liberty county."

Bill read a first time.

Mr. Shaw introduced a bill to be entitled "an act to create the county of——."

Bill read a first time.

Mr. Winkler introduced a bill to be entitled "an act for the relief of C. C. Taylor.

Bill read a first time.

Mr. Winkler moved that the rule of the House, which requires bills to be read on three several days be suspended.

Motion carried.

The bill was then read a second time, and

On motion of Mr. Winkler, referred to the committee on the Land Office.

Mr. Davis of Robertson, introduced a bill to be entitled "an act for the benefit of owners of conditional head-right certificates for land."

Bill read a first time.

Mr. Allen introduced a bill to be entitled "an act to compel those who locate upon the Public Lands of the State to have them surveyed.

Bill read a first time.

On motion of Mr. Carothers,
The House proceeded to the orders of the day.

A bill to be entitled "an act to validate and confirm the acts of Thomas Wm. Ward, Commissioner of the General Land Office," being the special order of the day.

Was taken up.

Mr. Allen moved that the bill be laid upon the table.

Motion carried.

Mr. Pease moved that

A bill to be entitled "an act regulating proceedings relative to estates of deceased persons," and

A bill to be entitled "an act organizing County Courts," be taken up.

Motion carried.

A bill to be entitled "an act regulating proceedings in the County Courts, relative to estates of deceased persons;"

Was then taken up.

Mr. Stout moved that the bill be read a third time by its caption.

Motion lost.

Mr. Stout was called to the chair.

The bill under consideration of the House, was then read a third time and passed.

A message was received from the Senate, informing the House of the passage by that body of a bill to be entitled "an act authorizing and requiring the transfer of the succession of Alexander Jordan, dec'd., from the county of Nacogdoches to the county of Rusk."

On motion of Mr. Crutcher,
The House adjourned until 3 o'clock, p. m.

3 o'clock, p. m.

The House met pursuant to adjournment.

The roll was called,

And a quorum found present,

A bill to be entitled "an act organizing county courts."

Was taken up.

On motion,

The bill was read a third time by its caption and passed.

A bill to be entitled "an act to define the boundaries of Austin county."

Was taken up and read a second time.

On motion of Mr. Crump,

The bill was ordered to be engrossed.

Mr. Crump moved that the vote which rejected a bill to be entitled "an act to provide for enclosing Cotton Gins," be reconsidered.

Motion carried.

Mr. McNeill moved a reconsideration of the vote rejecting the amendment proposed by Mr. Haynie. (to the bill concerning Public Printing,) providing for the publication of the Journals of the last Legislature.

The yeas and nays were called on the adoption of the motion and stood as follows:

Yeas—Messrs. Speaker, Allen, Bourland, Burroughs, Crump, Crutcher, Eddy, Gilliam, Goode, Hardeman, Haynie, Keenan, Mosely, McNeill, Perry, Rayner, Reagan, Robertson, Shannon, Shaw, Stout, Truit, Webb and White—25.

Nays—Messrs. Armstrong, Bogart, Bryan, Carothers, Cunningham, Davis of L., Davis of R., Edwards, Epperson, Fields, Lott, Lyons, Miller of C., Pease, Potter, Rains, Saddler, Stuart, Taylor, Walling, Winkler, Wheeler and Willie—23.

Motion carried.

Mr. Bourland moved that the amendment be laid upon the table.

Motion carried.

A bill to be entitled "an act to incorporate the Galveston Steam Ferry, Freight and Tow-boat Company."

Was taken up, and

Read a second time.

On motion of Mr. Potter,

The bill was ordered to be engrossed.

A "Joint Resolution for the relief of N. B. Mallon and others,"

Was taken up, and

Read a second time.

On motion of Mr. Stout,

The Joint Resolution was referred to the committee on Finance.

A bill to be entitled "an act to require all Mayors and Records of incorporated towns and cities to call a Jury in the trial of causes, when the accused is subject to fine and imprisonment or either,"

Was taken up, and

Read a second time.

On motion of Mr. Haynie,
The bill was ordered to be engrossed.

A bill to be entitled "An act to regulate proceedings in District Courts," together with a substitute therefor, offered by the committee on the Judiciary, were taken up.

Substitute read and adopted.

On motion of Mr. Armstrong,
The bill was ordered to be engrossed.

A bill to be entitled "An act to regulate proceedings by *certiorari* and *supercedeas*, in civil causes," was taken up, and read a first time.

Mr. Burroughs, by leave, introduced the following resolution:

Resolved, That, with the concurrence of the Senate, the two Houses proceed to elect a Commissioner of the General Land Office, on Saturday, the 10th inst., at 12 o'clock, M.

Resolution laid upon the table one day for consideration.

A bill to be entitled "An act authorizing Charles Covington and his associates to establish a ferry across the River Yegua, and construct a causeway across the bottom lands thereof," was taken up and read a first time.

Mr. Robertson moved that the rule of the House which requires bills to be read on three several days, be suspended.

Motion carried.

The bill was then read a second time:

On motion of Mr. Davis, of Robertson;

The bill was passed to a third reading.

A bill to be entitled "An act to repeal the twelfth section of an act, entitled an act, regulating estrays, approved December the 22d, 1836," was taken up, and read a first time.

A bill to be entitled "An act to permit married women to

devise their separate property," was taken up and read a first time.

A bill to be entitled "An act authorizing the Galveston City Company to change the plan of a certain block of lots in the city of Galveston, and authorizing the city and county authorities to use one of the public squares of said city, for city and county buildings," was taken up, and read a second time.

On motion of Mr. Potter,

The bill was referred to the committee on the Judiciary.

A bill to be entitled "An act to increase the salary of the Attorney General," was taken up, and read a second time.

On motion of Mr. Stuart,

The bill was referred to the committee on the Judiciary.

A bill to be entitled "An act to regulate the jurisdiction of Justices of the Peace," was taken up, and read a second time.

On motion of Mr. Willie,

The bill was referred to the committee on the Judiciary.

A bill to be entitled "An act requiring the Sheriffs and the Clerks of the several Courts of this State, to keep their offices at the place of holding the Courts in each county," together with the amendment thereto, proposed by the committee on State Affairs, were taken up.

Amendment read and adopted.

Mr. Stout moved that the bill be referred to the committee on the Judiciary.

Motion carried, and reference made.

A bill to be entitled "An act to regulate the sale, vending and distribution of patent or secret medicines," was taken up, and read a second time.

Mr. Haynie moved to amend the bill by inserting the words "except *number six* and *capsules*."

Mr. Stuart moved to amend the amendment, as follows :

Sec. 2. Be it further enacted, That all Physicians shall be

required to write their prescriptions in a plain, legible hand, in the English language, and state the quantity of all medicines prescribed, in words and letters, *at length* under the penalty provided in the preceding section of this act."

Mr. Crutcher moved that the bill and amendments be laid upon the table, until the 4th day of July next.

Motion carried.

A bill to be entitled "An act for the protection of certain land titles," was taken up, and read a second time.

On motion of Mr. Sterne,

The bill was referred to the committee on Public Lands.

On motion of Mr. Bryan,

Mr. Lewis was added to the committee appointed to investigate the Spanish Records, in the General Land Office.

A bill to be entitled "An act for the relief of Alfred Briggance," was taken up, and read a second time.

On motion of Mr. Keenan,

The bill was ordered to be engrossed.

A bill to be entitled "An act regulating the mode of disposing of runaway slaves," together with the report thereon, by the committee on State Affairs, recommending that the bill be laid upon the table, were taken up.

Report read and adopted.

A bill to be entitled "An act, supplementary to an act, to incorporate the town of Refugio," was taken up.

On motion of Mr. Cunningham,

The bill was read a second time by its caption, and ordered to be engrossed.

A bill to be entitled "An act to incorporate the Republican Academy, in the county of Harrison, was taken up, together with the substitute therefor, offered by the committee on Education.

Substitute read and adopted.

Mr. Geode moved the engrossment of the bill.

Motion carried, and the bill ordered to be engrossed.

Mr. Bryan, by leave, introduced the following resolution:

Resolved, That, in order to give the Commissioner of the General Land Office a fair hearing before the House, that a Select Committee be appointed, and the same be required to furnish the Commissioner with a copy of the report, made by a majority of the committee on the Land Office; and that the Commissioner, if he desires to do so, may report through said committee, to this House, his answer to the charges preferred against him by said majority of the committee, in their recent report on the Land Office Department.

Mr. Willie offered the following as a substitute for the resolution proposed by Mr. Bryan:

Resolved, That the Commissioner of the General Land Office shall be permitted to lay before the House any facts relative to the charges made in the report of a majority of the committee on the Land Office against that officer, and that he be permitted to present to the House, any evidence in relation to the matters set forth in said report; and it shall be the duty of the Chief Clerk of this House, to furnish the Commissioner with a copy of this resolution.

A message was received from the Senate, informing the House that the Senate had adopted the substitute proposed by the House, for a "Joint resolution requiring the Governor to subscribe for three hundred copies of the Decisions of the Supreme Court," and that the report of the committee of Conference, on a "Joint resolution instructing our Senators, and requesting our Representatives in the Congress of the United States, to procure the passage of a law establishing two Districts for the United States District Court in the State of Texas," is not recognized as formal; and that the original and substitute are, therefore, returned to the House.

On motion of Mr. Crutcher,

The House adjourned until to-morrow morning 10 o'clock.

House of Representatives,
Austin, Feb. 16th, 1848.

The House met, pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Carothers, Crump, Crutcher, Cunningham, Eddy, Edwards, Epperson, Gilliam, Goode, Hardeman, Keenan, Lewis, Lott, Lyons, Miller of H., Mosely, McNeill, Neal, Pease, Perry, Potter, Rains, Rayner, Renfro, Reagan, Runnels, Saddler, Shaw, Stout, Stuart, Taylor, Truit, Webb, Walling, Winkler, Wheeler, White and Willie.

A quorum being present.

The Journal of the preceding day was read and adopted.

On motion of Mr. Stout,

Mr. Wren was excused from attendance on the House, in consequence of ill health.

Mr. Pease, chairman of the committee on the Judiciary, made the following report:

The committee on the Judiciary, to whom was referred the memorial of the Trustees of the Marshall University, praying for leave to sell one league of land, granted to said University by the late Republic, have had the same under consideration, and perceiving no objection to granting the prayer of the petitioners, have drawn up a bill for that purpose, which is herewith

reported, and recommended to the favorable consideration of the House.

Report received, and the petition and bill laid upon the table, to come up in their regular order.

Mr. Pease also made the following report:

The committee on the Judiciary, to whom was referred a bill to be entitled "An act to provide for revising the Statute, Laws of the State of Texas," have had the same under consideration,

The sixteenth section of the seventh Article of the Constitution, makes it the duty of the Legislature, within five years after the adoption of the Constitution, to have the laws, civil and criminal, revised, digested, arranged and published; and the act in question proposes to effect that object in a manner satisfactory to the committee. The committee recommend that the blank in the first section of the bill be filled with the following words:

"The Governor shall be, and he is hereby, authorized and required to appoint two competent persons, who."

The blank in the third section of the bill, they recommend should be filled with the following words: "one thousand."

The committee recommend that the following words be added to the end of the third section:

"To be paid when the work is accepted by the Legislature of the State."

With these amendments the committee recommend the bill to the favorable consideration of the House.

Report received, and the bill and amendments laid upon the table, to come up in their regular order.

Mr. Pease, chairman of the committee on the Judiciary, also reported as follows:

The committee on the Judiciary, to whom was re-committed

a bill to be entitled "An act, to amend the first, third and seventh sections of an act, to define the time of holding the Courts in the several Judicial Districts of the State of Texas, passed May the 11th, 1846," have had the same under consideration.

From the information before the committee, they believe that it is the wish of a large majority of the people of the first, third and seventh Judicial Districts, that the time of holding the Courts in these Districts, should be changed, as proposed in the bill; and that the passage of this act will in no way interfere with the changes that are proposed to be made in the other Districts.

They therefore recommend the bill to the favorable consideration of the House.

Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Willie, one of the committee on the Judiciary, made the following report:

The committee on the Judiciary, to whom was referred a resolution of the House, instructing them to enquire into the propriety of amending the acts regulating the descent and distribution of intestates estates, so as to allow the surviving husband or wife, a distributive share of the estates of intestates, have had the same under consideration, and beg leave to report, that they have examined the acts referred to in the resolution, and find it is important that some legislative action should be had on the subject, in order to explain the obscurities which at present exist in the laws. They believe, also, that a provision like that recommended in the resolution, should be embodied in the law; and therefore instruct me to recommend to the favorable consideration of the House, the accompanying bill, entitled "An act, to regulate the descent and distribution of intestates estates."

Report received, and the bill read a first time.

Mr. Willie also made the following report :

The committee on the Judiciary, to whom was referred

A bill to be entitled "An act, to amend the first section of an act, regulating Juries;" and

A resolution suggesting amendments to the nineteenth section of said act, have had the same under consideration, and instruct me to report, that it is not expedient to change, materially, the law in question. Believing, however, that some amendments are proper, in order to explain more clearly the meaning of certain provisions in the act, and that the practice in regard to Juries in capital cases, should be slightly changed, they submit to the House the accompanying bills, and recommend their passage, in place of the original bill referred to them.

Report received, and the bill laid upon the table, to come up in their regular order.

Mr. Allen, chairman of the committee on State Affairs, made the following report :

The committee on State Affairs, to whom was referred the petition of sundry citizens of Velasco, praying that some alteration be made in the present pilot laws, have, after due consideration of the same, instructed me to report the bill herewith submitted, (which, it is fully believed, will meet the wants of the petitioners,) and to recommend it earnestly to the favorable consideration of the House.

Report received, and the petition and bill laid upon the table, to come up in their regular order.

Mr. Allen also made the following report :

The committee on State Affairs, to whom was referred the memorial of the practicing physicians and surgeons of Galves-

ton, praying for a charter under which to organize, as the Medical and Surgical Society of Galveston, empowered to appoint a Board of Censors, for the purpose of examining and licensing persons who propose to commence the practice of medicine and surgery in that county, have had the same under consideration, and they are of opinion that a law of a general character should be passed, incorporating a Medical and Surgical Society for the State, in order to promote the diffusion of science, and medical information, without the power (which, to some, is objectionable,) of appointing a Board of Censors.

The committee have, therefore, instructed me to report the same back to the House, together with the bill, herewith submitted, (which only provides for the incorporation of such a society,) and to recommend that it be passed:

A bill to be entitled "An act to incorporate the Medical and Surgical Society of the State of Texas."

Bill read a first time.

Mr. Reagan, chairman of the committee on Public Lands, made the following report:

The committee on Public Lands, to whom was referred the petition of Henry M. Smith, have had the same under consideration, and have instructed me to report, that they have had ample evidence before them, that the petitioner served gallantly as a captain in the army of the late Republic of Texas; and that he was wounded, so as to be seriously disabled, from which disability himself and his family have suffered much pecuniary inconvenience. As your committee have, in all cases that have come before them, reported against making original grants of land, (founded upon application made subsequent to the adoption of the Joint Resolutions of Annexation,) under the belief that the public domain is *pledged* for the liquidation of the *Public Debt*, they do not feel authorized to report favorably to the petition. As there seems to be a diversity of opinion, however, on the subject, your committee have instructed me to state, that the petition has a moral, if not a legal claim, against the State; and, for the guidance of

the committee in such cases, as well as for the satisfaction of such persons as are interested in this and similar applications, your committee wish an expression from the House on the subject.

They therefore, at the request of the honorable member who introduced the petition, report it back to the House, so that he may be enabled to have it referred to another committee for investigation, and obtain a decision from the House on the subject.

Report received, and the petition laid upon the table, to come up in its regular order.

Mr. Walling moved that the rule be suspended, and the petition referred to a Select Committee.

Motion carried.

The chair then appointed Messrs. Walling, Fields, Robertson, Edwards and Crutcher, to constitute said committee.

Mr. Reagan, chairman of the committee on Public Lands, also made the following report :

The committee on Public Lands, to whom was referred a bill to be entitled "An act to extend the time to all resident citizens who have settled under the provisions of an act granting to settlers on vacant public domain, *pre-emption* privileges," have had the same under consideration, and instruct me to report, that the object of the bill seems to be to extend the *pre-emption law* for a longer period of time. Upon examination of the act referred to, we find, however, that the benefits of the act extend to an indefinite period; and, not being apprised of any necessity of a change of the law, your committee have instructed me to report the bill back to the House, and to ask that they be discharged from its further consideration.

Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Reagan, chairman of the committee on Public Lands, to whom was referred the resolution concerning the employment of two or more draftsmen, &c., have had the same under consideration, and, conceiving that its consideration more appropriately belongs to the committee on the Land Office, they have instructed me to request its reference to said committee.

Report received, and the resolution laid upon the table, to come up in its regular order.

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills have examined a bill to be entitled "An act to prevent the burning of the woods and prairies;"

A bill to be entitled "An act making additional donations of land, for the purposes of Education;"

A "Joint resolution for the relief of the heirs or the legal representatives of R. G. Hall, deceased;"

A bill to be entitled "An act to incorporate Cass Academy;"

A "Joint resolution for the relief of Theodore D. Maltby, who was disabled for life in the service of the country;"

A bill to be entitled "An act for the relief of Isaac Delaney;"

A bill to be entitled "An act to provide for the organization of new counties;"

A bill to be entitled an act for the relief of persons who have paid government dues on field notes, which were subsequently withdrawn;"

A "Joint resolution for the relief of J. Harris Catlin;"

A "Joint resolution authorizing the transfer of one-half of a certain lot in the city of Austin, on certain conditions;"

A bill to be entitled "An act regulating Ferries;" and,

A bill to be entitled "An act authorizing the holders of unlocated balances of certificates, in certain cases, to locate them;" and find the same correctly engrossed.

Report accepted.

Mr. Fields, chairman of a Select Committee, made the following report :

The Select Committee, to whom was referred a bill, to be entitled "An act, to establish a registry of brands for neat cattle, and to regulate the branding thereof ;" and

"An act respecting brands in certain Districts," have had the same under consideration, and, believing it inexpedient to pass either of said bills, have instructed me to report the same back to the House, and to ask that they be laid upon the table.

Report received, and the bill laid upon the table, to come up in their regular order.

On motion of Mr. Cunningham,
Mr. Stewart, of Gonzales, was added to the committee on the Judiciary.

On motion of Mr. Bourland,
Mr. Stewart, of Gonzales, was added to the committee on Public Lands.

On motion of Mr. Allen,
Mr. Stewart, of Gonzales, was added to the committee on State Affairs.

Mr. Haynie introduced the following resolution :

Resolved, That the Adjutant General be requested to furnish this House with a statement of the number of citizens now in the service of the country as volunteers, and of what county they are citizens : Also, the number of citizens discharged from the companies of Captains Ross, Grumbles, Highsmith, and McCulloch, and of what counties they are citizens.

Resolution laid upon the table one day for consideration.

Mr. Allen introduced a bill to be entitled "An act to encourage the destruction of wolves, panthers and wild-cats."

Bill read a first time.

Mr. Epperson introduced a "Joint resolution protesting against the organization of a separate Government by the authorities of the United States, within the State of Texas."

Joint resolution read a first time.

Mr. Epperson moved that the rule of the House which requires bills to be read on three several days, be suspended.

The yeas and nays were called on the adoption of the motion, and stood as follows:

Yeas—Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Bryan, Crump, Crutcher, Davis, of L., Davis, of R., Eddy, Epperson, Fields, Gilliam, Hardeman, Haynie, Keenan, Lewis Miller, of C., Mosely, McNeill, Neal, Pease, Rayner, Renfro, Reagan, Robertson, Shannon, Shaw, Sterne, Stout, Stewart of Gonzales, Webb, Walling, Winkler, Wheeler, White and Willie—39.

Nays—Messrs. Burroughs, Carothers, Cunningham, Miller of H., McCown, Rains, Runnels, Stuart of Galveston and Taylor—20.

The bill was then read a second time, and

On motion of Mr. McCown,

Referred to the committee on State Affairs.

On motion of Mr. Rayner,

The House proceeded to the orders of the day.

Mr. Willie's substitute for the resolution offered by Mr. Bryan, being under consideration when the House adjourned, was again taken up.

Mr. McCown moved that it be made the special order of the day for Monday next.

Mr. McNeill moved that the substitute be laid upon the table.

Mr. Eddy moved that the House adjourn until 3 o'clock, p. m.

Motion lost.

Mr. Cunningham moved that the substitute be laid upon the table.

Motion lost.

Mr. Haynle moved that the House adjourn until 3 o'clock, p. m.

Motion lost.

The yeas and nays were then called on the adoption of Mr Cunningham's motion, and stood as follows:

Yeas—Messrs. Speaker, Allen, Armstrong, Bourland, Burroughs, Carothers, Crump, Cunningham, Davis of L., Eddy, Epperson, Fields, Goode, Hardeman, Miller of H., Mosely, McCown, McNeill, Neal, Perry, Reagan, Robertson, Runnels, Shannon, Shaw, Stout, Taylor, Webb, Winkler and White—30.

Nays—Messrs. Bogart, Bryan, Crutcher, Davis of R., Edwards, Haynie, Lewis, Lott, Lyons, Miller of C., Pease, Potter, Rains, Rayner, Sterne, Stuart of Galveston, Stewart of Gonzales, Truit, Walling, Wheeler and Willie—21.

Motion carried.

Mr. Bourland moved that the reports of the majority and minority of the committee on the Land Office, be taken up.

Motion carried.

Mr. Bourland moved that 500 copies of the reports be printed in pamphlet form.

The yeas and nays were called on the adoption of the motion, and stood as follows:

Yeas—Messrs. Speaker, Allen, Armstrong, Bourland, Crump, Cunningham, Eddy, Fields, Goode, Hardeman, Mosely, McCown, Neal, Perry, Shannon, Shaw, Stout, Winkler and White—19.

Nays—Messrs. Bogart, Burroughs, Bryan, Carothers, Crutcher, Davis of L., Davis of R., Edwards, Epperson, Haynie, Lew-

is, Lott, Lyons, Miller of C., Miller of H., McNeill, Pease, Potter, Rains, Rayner, Reagan, Robertson, Runnels, Sterne, Stuart, of Gal., Stewart of Gon., Taylor, Truit, Webb, Walling, Wheeler and Willie—32.

Motion lost.

Mr. Cunningham moved that the reports be laid upon the table.

Motion carried.

On motion of Mr. Webb,

The House adjourned until to-morrow morning, 10 o'clock.

House of Representatives,
Austin, February 18th, 1848.

The House met pursuant to adjournment,

The Roll was called,

And the following members answered to their names :

Messrs. Speaker, Allen, Armstrong, Bogart, Burroughs, Carothers, Crump, Crutcher, Cunningham, Davis of L., Davis, of R., Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lott, Lyons, Miller of C., Miller of H., Mosely, McCown, McNeill, Neal, Perry, Rayner, Rains, Railey, Runnels, Saddler, Shannon, Stout, Stewart, of Gon., Taylor, Truit, Webb, Walling, Winkler, Wheeler and White.

A quorum being present,

The Journal of the preceding day was read and adopted. 2

A message was received from the Senate, informing the House of the passage of the following bills, by that body:"

A bill to be entitled "An act to establish the University of Eastern Texas :"

A bill to be entitled "An act for the relief of James Stewart:"

A bill to be entitled "An act to provide for the enumeration of the inhabitants of the State of Texas, for the year 1848 :"

A bill to be entitled "An act to establish the Judicial Districts of the District Court : " and

A bill to be entitled "An act to require the Commissioner of the General Land Office, to charge fees for business done in his office, where the State is not concerned."

Mr. Willie moved that the communication from the Commissioner of the General Land office, be spread upon the Journals of the House.

Motion lost.

Mr. Bogart presented the petition of the citizens of Grayson county, remonstrating against the removal of the county seat, or the change of the county lines of said county.

On motion, the petition was referred to the committee on County Boundaries, without reading.

Mr. Shannon, also,, presented a petition from the citizens of Grayson county.

On motion, the petition was referred to the committee on County Boundaries, without reading.

Mr. Reagan presented the petition of Thos. G. Gardner.

On motion, the petition was referred to the committee on Finance, without reading.

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined—

An act to organize the militia of Newton county :

An act to create the county of Gillespie :

A joint resolution requiring the Commissioner of the Gene-

ral Land^s Office to issue a patent in the name of the heirs of Wm. P. Nunn : and

A joint resolution instructing our Senators, and requesting our Representatives in the Congress of the United States, to procure additional mail service :

And find the same correctly enrolled! And, having been signed by the Speaker of the House of Representatives, and the President of the Senate. they were, this day, presented to His Excellency the Governor, for his approval.

Report accepted:

—

On motion of Mr. Crutcher,

Mr. Stewart, of Gonzales, was added to the committee on Engrossed Bills.

Leave was granted to Mr. Walling to withdraw the petition of Horace L. Upshur, from the committee to which it was originally referred.

Mr. Lyons moved that the petition be referred to a select committee.

Motion carried.

The Speaker then appointed Messrs. Lyons, Walling, Truit, Webb and Stewart, of Gonzales, to constitute said committee.

On motion, the House proceeded to the orders of the day.

A bill to be entitled "an act to regulate the trial of suits for title to land," being the special order of the day, was taken up.

Question pending on the engrossment of the bill.

The Speaker announced that Mr. Cunningham was entitled to the floor.

Mr. McCown in the chair.

Mr. Bryan offered the following as an amendment to the bill :

"Provided that the provisions of this act shall not be so construed as to affect prejudicially, or operate against, any grant, or claim to land, derived under and from the Empresarios, S. F. Austin and Greene De Witt; or any grant or claim to land, made to said Empresarios, or, through them, to their colonists, by Spain, Mexico, Coahuila and Texas."

The yeas and nays were called on the adoption of the amendment, and stood as follows :

Yeas—Messrs. Speaker, Allen, Burroughs, Bryan, Carothers, Crump, Crutcher, Davis of L., Dooley, Edwards, Hardeman, Haynie, Keenan, Lewis, Lyons, Miller of C., Millican, Pease, Perry, Potter, Rains, Rayner, Robertson, Sterne, Stuart, of Gal., Stewart, of Gon., Truit, Webb, Walling, Wheeler, White and Willie—32.

Nays—Messrs. Armstrong, Bogart, Bourland, Cunningham, Davis of R., Eddy, Epperson, Fields, Gilliam, Goede, Lott, Miller of H., Mosely, McCown, McNeill, Neal, Reagan, Raley, Runnels, Shannon, Shaw, Stout, Stoddard, Taylor, and Winkler—25.

Amendment adopted.

Mr. Pease offered the following, as an amendment, to be attached to the end of the bill :

"Provided, That the provisions of this act shall not apply to any grant of land, to a colonist, under any of the colonization contracts made with the government of Mexico, or with the State of Coahuila and Texas."

Amendment adopted.

Mr. Armstrong offered a substitute for the bill and amendments.

Substitute read.

On motion of Mr. Armstrong,

The bill, amendments and substitute were ordered to lie on the table, to be made the special order of the day for Monday next.

The resolution to go into the election of a Commissioner of the General Land Office, on the 19th inst., was taken up and read.

Mr. Cunningham moved that the resolution be adopted.

On motion of Mr. Sterne,

The House adjourned until to-morrow morning, 10 o'clock.

Question pending on the adoption of the resolution.

House of Representatives,
Austin, February 17th, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs. Speaker, Allen, Armstrong, Bogart, Burroughs, Bryan, Crump, Crutcher, Davis, of L., Davis of R., Dooley, Eddy, Edwards, Epperson, Goode, Hardiman, Haynie, Keenan, Lewis, Lott, Lyons, Miller of C., Miller of H., Mosely, McCown, McNeill, Pease, Perry, Potter, Reagan, Rayner, Renfro, Robertson, Runnels, Saddler, Shaw, Sterne, Taylor, Webb, Walling, Winkler, Wheeler, White and Willie.

A quorum being present,

The Journal of the preceding day was read and adopted,

Mr. Reagan presented a petition from the citizens of Upshur county.

On motion the petition was referred to the committee on County Boundaries, without reading.

Mr. Møseley presented a petition from the citizens of Titus county.

On motion, the petition was referred to the committee on County Boundaries, without reading.

Mr. Pease, chairman of the committee on the Judiciary, made the following report :

The committee on the Judiciary, to whom was referred a bill to be entitled "an act defining the manner of trying the right of property levied on by execution, sequestration or attachment, when claimed by a person not a party to such execution, sequestration or attachment," have had the same under consideration, and have prepared a substitute, which is herewith submitted; and which the committee have directed me to report to the House, and to recommend its passage.

Report received,

And the bill and substitute laid upon the table, to come up in regular order.

Mr. Keenan, chairman of the committee on education, made the following report:

The committee on education, to whom was referred the memorial of Baylor University, asking a donation of land to said University; have had the same under consideration, and doubt the policy of giving lands to particular institutions, or corporations, unless the same could be extended to all others of a similar kind, in the State.

The object is good, and if the public domain can be appropriated otherwise, than in the liquidation of the debt of the State. Your committee would be pleased to see it used for the promotion of education. Under the circumstances, however, they are compelled to report the memorial back to the House, without recommending any action thereon, but with the request that they be relieved from the further consideration of it.

Report received, and

The memorial laid upon the table, to come up in its regular order.

Mr. Bryan, chairman of the committee on engrossed bills, made the following report:

The committee on engrossed bills, have examined a bill to be entitled "an act to provide for deducting from salaries of Judges of the Supreme and District Courts, and District Attorneys of this State, who may fail or neglect the performance of certain duties assigned them by law."

A "joint resolution, validating the election of Mayor and Recorder of the city of New Brunfels."

A bill to be entitled "an act to authorize Jacob Winfree to adopt Zachary Taylor Long, as his lawful child."

A bill to be entitled "an act to require all Mayors and Records of incorporated towns and cities, to call a jury in the trial of causes, when the accused is subject under the law, to fine and imprisonment, or either."

A bill to be entitled "an act appropriating certain fines and forfeitures, &c."

A bill to be entitled "an act to amend an act for the relief of master builders and mechanics of Texas," approved June 23d, 1837.

A bill to be entitled "an act for the relief of Thomas J. Stell."

A bill to be entitled "an act to define the boundaries of Comal county;" and

A bill to be entitled "an act to amend an act creating the county of Polk," approved March 30th, 1846.

And find the same correctly engrossed.

Report accepted.

Mr. Walling one of the special committee, made the following report:

The special committee, to whom was referred the memorial of H. M. Smith, praying for relief, have had the same under consideration, and beg leave to report, that they could conceive of no claim that could be presented to them, which would appeal more directly to their sense of justice, as well as their sympathy and humanity. All of the evidence before the committee shows clearly, that the memorialist has been permanently disabled for life, by a wound received in battle, whilst nobly defending his country, and protecting women and children, from the tomahawk and scalpingknife. This fact is personally known to some of the committee, who had the honor to serve in the same campaign with Mr. Smith, and witnessed his gallant bearing in battle, and his subsequent suffering. His inability to labor, for the support of his family, on account of his misfortune, and the fact, that ere long, without the relief prayed for should be granted, he may become dependent upon the cold charity of the world for a subsistence, justifies the committee in offering the accompanying Joint Resolution, and recommending its passage:

A "Joint Resolution for the relief of H. M. Smith."

Joint Resolution read a first time.

Mr. Robertson introduced a bill to be entitled "an act for the relief of Doctor Thomas P. Anderson, Surgeon in the late Navy of Texas."

Bill read a first time.

Mr. McNeill introduced a bill to be entitled "an act for the relief of Ann Terrell."

Bill read a first time.

Mr. McNeill moved that the rule of the House, which requires bills to be read on three several days, be suspended.

Motion carried.

The bill was then read a second time.

Mr. Neal moved that the bill be referred to the committee on claims and accounts.

Motion lost.

Mr. Crutcher moved to amend the bill as follows:

“Provided, That five hundred dollars only, shall be paid up on the passage of this act, and the balance at any time, after the 1st day of January, 1849, when there is enough money in the Treasury, not otherwise appropriated, to pay the same.”

Amendment adopted.

Mr. Saddler in the Chair.

Mr. Keenan moved that the bill be engrossed.

Mr. Willie moved that a call of the House be made.

Motion carried.

Mr. Mosely moved that the call of the House be suspended.

Motion lost.

Mr. Webb moved that the call of the House be suspended.

Motion lost.

Mr. Stuart of Galveston, moved that the House adjourn until 10 o'clock, to-morrow morning.

Motion lost.

Mr. Cunningham moved that the names of the absentees be entered on the journal.

Mr. Eddy moved that the House adjourn until 10 o'clock, to-morrow morning.

Motion lost.

Mr. Davis of Liberty, moved that the call of the House be suspended.

Mr. McCown moved that the House adjourn until 10 o'clock to-morrow morning.

Motion lost.

Mr. Davis of Liberty, moved that the House adjourn until 3 o'clock, p. m.

Motion lost.

Mr. McNeill moved that the House adjourn, until 2 o'clock, p. m.

Motion lost.

Mr. McCown moved that the House adjourn, until half-past 2 o'clock, p. m.

Motion lost.

Mr. Bogart moved that the call of the House be suspended.

Motion carried.

A message was received from his Excellency, the Governor, through the hands of his Private Secretary, Col. Hatch.

Question: Shall the bill, now under consideration of the House, be engrossed?

The yeas and nays were called on the engrossment of the bill, and stood as follows:

Yeas—Messrs. Allen, Armstrong, Bourland, Bryan, Crump, Crutcher, Davis of L., Davis of R., Dooley, Epperson, Fields, Gilliam, Goode, Haynie, Keenan, Lewis, Lott, Miller of H., Mosely, McCown, McNeill, Pease, Potter, Rayner, Reagan,

Robertson, Railey, Shannon, Sterne, Stout, Stuart of Galveston, Taylor, Truit, Walling, Winkler and Wheeler—36.

Nays—Messrs. Speaker, Bogart, Burroughs, Carothers, Cunningham, Eddy, Edwards, Hardeman, Lyons, Miller of C., Neal, Perry, Rains, Runnels, Saddler, Shaw, Stuart of Gonzales, Webb, White and Willie—20.

Bill ordered to be engrossed.

Mr. Bryan moved that Mr. Pease be excused from voting on the question.

Motion lost.

On motion of Mr. Allen, the communication from the Governor was taken up and read.

On motion of Mr. Stuart of Galveston, the communication was referred to the committee on the judiciary.

On motion of Mr. McCown,

The House adjourned until 3 o'clock, p. m.

3 o'clock, p. m.

The House met pursuant to adjournment.

The roll was called,

And quorum found present.

A bill to be entitled "an act to regulate the trial of suits for title to land;" being the special order of the day."

Was taken up, together with a substitute therefor.

The yeas and nays were called on the adoption of the substitute, and stood as follows:

Yeas—Messrs. Speaker, Armstrong, Bogart, Carothers, Crump, Cunningham, Eddy, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Miller of C., Miller of H., Moseley, McNeill, Neal Perry, Rayner, Runnels, Saddler, Shannon, Shaw, Stout, Taylor, Webb and Winkler—29.

Nays—Messrs. Burroughs, Bryan, Davis of L., Dooley, Edwards, Lyons, Pease, Rains, Robertson, Stuart of Galveston, Stuart of Gonzales, Truit, Walling and White—14.

Substitute adopted.

Mr. Cunningham moved that the bill be engrossed.

A message was received from the Senate, informing the House of the passage, by that body, of a bill, to be entitled "an act to authorize the opening, &c., of a turnpike road from the city of Houston, to the Brazos river;" with amendments.

Mr. Cunningham being in possession of the floor, gave way for Mr. Willie to make a motion to adjourn.

A communication was announced by the Speaker, from the Commissioner of the General Land Office.

Communication read.

On motion of Mr. Willie,
The House adjourned until 9 o'clock, to-morrow morning.

-House of Representatives,
Austin, February 19th, 1848.

The House met pursuant to adjournment.

The Roll was called,

And the following members answered to their names :

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Bryan, Crump, Crutcher, Davis of L., Davis of R., Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lott, Lyons, Miller of C., Miller of H., Millican, Mosely, McNeill, Neal, Perry, Rains, Rayner, Renfro, Reagan, Robertson, Runnels, Saddler, Shannon, Shaw, Sterne, Stout, Stewart of Gslveston, Stuart of Gonzales, Taylor, Truit, Webb, Walling, Winkler, Wheeler, White Willie and Wren.

A quorum being present,

The journal of the preceding day was read and adopted.

On motion of Mr. Eddy,

Mr. Cordova, who was elected to fill the vacancy occasioned by the death of the hon. M. T. Rodgers, of Harris county came forward, presented his credentials, and took the oath and his seat.

A communication was read from Messrs. Armstrong, Fields, McNeill, Reagan and Goode, relative to the Commissioner of the General Land Office.

Mr. Taylor moved that the communication be spread on the Journals of the House of Representatives.

Lost.

On motion of Mr. Robertson,

The communication was read and laid on the table.

Mr. Bryan, chairman of the committee on engrossed bills, made the following report:

The committee on engrossed bills have examined a bill to be entitled "an act for the relief of Ann Terrell, widow and relict of George W. Terrell, dec'd.

An act to create the county of Williamson.

A bill to be entitled an act to incorporate the Republican Academy in the county of Harrison.

An act to define the boundaries of the county of Austin.

A bill to be entitled an act to incorporate the town of Refuge.

An act for the relief of Alfred Briggance.

And find the same correctly engrossed.

Report accepted.

Mr. McNeill introduced a bill to be entitled an act for the relief of Joseph G. Shepherd, late sheriff of Montgomery county.

Mr. McCown moved to suspend the rule and the bill be read a second time.

Lost.

On motion of Mr. Fields,

The House then proceeded to the orders of the day.

The resolution to go into the election of the Commissioner of the General Land Office, on the 19th inst., being the special order of the day,

Was taken up.

Mr. Fields moved to strike out 19th and insert 24th.

Mr. Rayner moved to insert 26th inst.

Carried.

On motion of Mr. McCown,

"At 11 o'clock, A. M.," was inserted.

Question on the adoption of the resolution, as amended, was then taken up, and

Carried.

Mr. Bourland introduced the following resolution:

Resolved, That it shall be a standing rule of the House of Representatives, for the remainder of the present session, that bills on their third reading, shall first be read when the orders of the day are taken up.

Ordered to lay on the table one day for consideration.

Joint resolution appropriating one hundred dollars for the purpose of procuring a map of Shelby county.

Mr. Truit moved its engrossment.

Mr. Miller of Houston, moved to refer to the committee on the Land Office.

Lost.

Mr. Fields moved to refer to the committee on Finance.

Lost.

Question on the engrossment was then taken, and

Carried.

Mr. Haynie moved to take up the resolution requiring the Adjutant General to furnish certain information.

Lost.

A bill to be entitled an act better to define the boundaries of Walker county;

Read a third time and passed.

A bill to be entitled an act authorizing Wm. E. Crump to establish a turnpike road from the city of Houston to the Brazos river, with amendments from the Senate, which were read and concurred in.

A bill supplementary to an act to provide for the enumeration of the inhabitants of the State of Texas, approved April 11th, 1846.

Read.

On motion of Mr. Gilliam,

Ordered to be engrossed.

A bill to be entitled an act to prohibit the Board of Land Commissioners in each county in this State, from issuing certificates to any claimant whatsoever, unless the applicant or claimant shall previously thereto, have received a conditional certificate from some competent Board;

The substitute offered by the Senate, read.

Mr. Miller of Houston, moved to refer to the committee on the Land Office.

Lost.

Mr. Miller of Houston, moved to refer the bill to the committee on the Judiciary.

Lost.

Mr. Davis of Robertson, moved to refer the bill to the committee on public lands.

Lost.

On motion of Mr. Lott,

The substitute was adopted.

A bill to be entitled an act to authorize Jacob F. Winfree to adopt Zachary Taylor Long, as his lawful child.

Read a third time and passed.

A bill to be entitled an act to provide for deductions from the salaries of Judges of the Supreme and District Courts and District Attorneys of the State, who may neglect the performance of certain duties assigned them by law.

Mr. Carothers moved to read by caption.

Lost.

Mr. Stuart of Galveston moved its reference to the committee on the Judiciary.

Lost.

Question on the final passage of the bill.

The yeas and nays being called for, stood

Yeas—Messrs. Bogart, Carothers, Crump, Davis of R., Epperson, Fields, Gilliam, Goode, Hardeman, Lott, Miller of C., Miller of H., Mosely, McNeill, Neal, Perry, Reagan, Runnels, Saddler, Shannon, Shaw, Sterne, Stout, Stoddard, Taylor, Truit, Webb, Walling, White and Wren—29.

Nays—Messrs. Speaker, Armstrong, Bourland, Burroughs, Bryan, Cordova, Crutcher, Davis of L., Dooley, Edwards, Eddy, Haynie, Keenan, Lewis, Lyons, Millican, Potter, Rains, Rayner, Renfro, Robertson, Stuart of Galveston, Stewart of Gonzales, Winkler, Wheeler and Willie—26.

Passed.

Joint resolution to validate the election of Mayor and Alderman for the city of New Braunfels.

Read a third time and passed.

A bill to be entitled an act to require all Mayors and Records of incorporated towns and cities, to call a jury in the trial of causes, when the accused is subject under the law to fine and imprisonment, or either.

Read a third time and passed.

Mr. McNeill moved to take up a bill to be entitled an act to organize the Judicial districts.

Lost.

An act to amend an act entitled an act for the relief of master builders and mechanics of Texas, approved January 23d, 1839.

Read a third time and passed.

A bill for the relief of Thomas J. Stell.

Read a third time and passed.

A bill to define the boundaries of Comal county.

Read a third time by its caption, and

On motion of Mr. Davis of Robertson, and

Passed.

A bill to amend an act to create the county of Polk, approved March 30th, 1846.

Was on motion of Mr. Davis of Liberty,

Read by its caption, a third time and passed.

A bill to be entitled an act to provide for the printing of the Laws and Journals of the State of Texas,

With the report of the committee on public printing.

Report read and adopted.

A bill to be entitled an act to incorporate the Goliad Statistical Society, was

On motion of Mr. Crutcher,

Read by its caption a second time, and referred to the committee on education.

A Bill to be entitled an act for the punishment of illegal

voting, and for other purposes, with the report of committee on privileges and elections.

Report read and adopted.

Report of the committee on State Affairs, to whom had been referred the petition of sundry citizens, relative to trading posts on the frontier, recommending that no action be now taken on the petition.

Was read, and report adopted.

A bill to be entitled an act better to define marital rights, with a substitute offered by the judiciary committee.

Read.

Substitute adopted, and

On motion of Mr. Webb,

Ordered to be engrossed.

A bill to be entitled an act for the relief of Sumerville and others.

Read, and

On motion of Mr. McNeill,

Laid on the table.

A bill to be entitled an act to incorporate the Western Texas Orphan Asylum, with amendments offered by the committee on state affairs.

Were read.

Amendments adopted, and

On motion of Mr. Dooley,

Was ordered to be engrossed.

A bill to be entitled an act to incorporate the city of Nacogdoches, with substitute.

Read, and

On motion of Mr. Winkler,

Ordered to be engrossed.

A bill to be entitled an act to define the boundaries of the county of Refugio.

Read a second time, and

On motion of Mr. Neal,

Referred to the committee on county boundaries.

A bill to be entitled an act to provide for the removal of the Supreme Court.

Read a second time, and

On motion of Mr. Epperson,

Referred to the committee on the Judiciary.

A bill to be entitled an act to suppress treating by candidates for public offices.

Read a second time.

Mr. Lott moved to refer the bill to the committee on the Penitentiary.

Lost.

Mr. Stewart of Galveston, moved to refer the bill to the Judiciary committee.

Lost.

Mr. Webb moved to refer the bill to a select committee.

Carried.

The Chair appointed Messrs. Webb, Wheeler, Walling, Taylor, Crutcher and Keenan said committee.

The report of the committee on public lands, recommending that the petition of Ambrose Repley, be laid on the table.

Read and adopted.

A bill to be entitled an act to repeal the 11th section of an act entitled an act supplementary to an act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants.

Read a second time.

Mr. Runnels moved the Bill be engrossed.

Mr. Lewis moved it be referred to the Judiciary Committee.

Carried.

A Bill to be entitled An Act to establish the county seat of Denton county ; with amendments from the Senate.

Read and amendments concurred in.

Joint Resolution in behalf of Edward A. Weyman, a resident citizen of the county of Nueces ; with amendments from the Senate.

Read and amendments concurred in.

A bill to be entitled An Act for the relief of Jesse Cartwright.

Read a first time.

A bill to be entitled An Act to amend the 2d section of An Act to incorporate the town of Paris, in the county of Lamar : approved. Feb. 3d, 1845.

Read a first time.

Joint Resolution for the safe keeping of the Capitol after the adjournment of the Legislature.

Read a second time.

Mr. Haynie moved to strike out "some person," and insert "Chief Clerk of the House of Representatives."

Carried, and the Resolution adopted.

Joint Resolution authorizing and requiring the Governor to employ some competent person to digest the laws.

Read a first time.

A bill to be entitled 'An Act to regulate the process of Land Patents :

Read a first time.

A bill to be entitled An Act to regulate proceedings in cases of forcible entry and detainer : Read, and

On motion of Mr. Crutcher,

Ordered to be engrossed.

Mr. Crump introduced a bill to be entitled An Act authorizing the Governor to employ council in certain cases therein named : Also,

A bill to be entitled An Act defining certain crimes, and affixing the penalties thereto :

Read a first time.

A bill to be entitled An Act for the compensations of District Attorney, for prosecuting suits in favor of the State against Colony Contractors :

Read a second time, and

On motion of Mr. Willie,

Referred to the Judiciary Committee.

A bill to be entitled An Act for the relief of Michael Short :

Read a second time, and

On motion of Mr. Crutcher,

Referred to the Committee on Public Lands.

A bill to be entitled An Act to repeal the 18th section of an Act to incorporate the city of Austin ; passed, 11th May, 1840 :

Read a second time, and

On motion of Mr. Haynie,

Referred to the Judiciary Committee.

A bill to be entitled An Act to amend an Act supplementary to an Act to detect fraudulent Land Certificates ; passed at the fifth Congress of the Republic of Texas :

Read a second time, and
On motion of Mr. Runnels,

Ordered to be engrossed.

A bill to be entitled An Act to establish the Galveston and Red River Railway Company :

Read a third time, and passed by the following vote :

Yeas—Messrs. Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Carothers, Crutcher, Davis of R., Dooly, Edwards, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lewis, Lott, Miller of C., Miller of H., Mosely, McNeal, Neal, Potter, Rayner, Reagan, Robertson, Saddler, Shannon, Shaw, Sterne, Stout, Stuart of Galveston, Stewart of Gonzales, Taylor, Truit, Webb, Walling, Winkler and Wren—42.

Nays—Messrs. Speaker, Lyons, Millican, Perry, Rains, Renfro, Runnels, White and Willie—9.

A bill to be entitled An Act for the relief of Patrick Reeles :

Read a second time, and
On motion of Mr. Robertson,

Passed to its third reading.

Report of the Select Committee, to whom had been referred a bill to repeal the 3d section of an Act regulating the license and practice of Attorneys, recommending that said bills be laid on the table :

Read and adopted.

A bill to be entitled An Act to establish the county seat of the county of Cameron :

Read a second time, and
On motion of Mr. Davis of R.,

Ordered to be engrossed.

By leave, Mr. Pease made the following report :

The Committee on the Judiciary to whom was referred a Resolution of the House of Representatives, requiring said committee to enquire into the expediency of revising and amending an Act entitled an Act to organize Justices' Courts and to define the power and jurisdiction of the same, have had said Act under consideration, and believing that many changes are required in the Act referred to, they have drawn up a bill to be entitled An Act to organize Justices' Courts and to define the power and the jurisdiction of the same, which they recommend to the favorable consideration of the House :

Read and received ; to come up in order..

A bill to be entitled An Act for the relief of Lewis Thunar.

Read a second time, and
On motion of Mr. Fields,
Ordered to be engrossed.

Mr. Crutcher moved that the House adjourn, until Monday morning, 10 o'clock.

Lost.

A bill to be entitled An Act to amend the 1st, 2d and 4th sections of an Act to regulate the license and practice of Attorneys and Counsellors at Law ; approved, May 12, 1846, with a substitute offered by the Select Committee :

Read, and the substitute adopted, and
On motion of Mr. Reagan,
Ordered to be engrossed.

A bill to be entitled An Act for the relief of James Cole.

Read a second time, and
On motion of Mr. Haynie,
Ordered to be engrossed.

By leave, Mr. Armstrong made the following report :

The Committee on the Judiciary to whom was referred a bill to be entitled An Act establishing the liabilities of drawers and endorsers of bills of exchange and promissory notes, have had the same under consideration, and believe that such a law is necessary, with an amendment, and recommend the passage of the same with the following amendment :

Add to the 6th section the following :

Provided, the 4th, 5th and 6th sections of this Act shall extend only to contracts between merchant and merchant, their factors and agents :

Read and ordered to come up in order.

A bill to be entitled An Act regulating marks and brands :

Read a second time.

Mr. Reagan moved to strike out the 7th section.

Lost.

Mr. Keenan moved that the bill be engrossed.

Carried.

A bill to be entitled An Act for the relief of Joseph Shaw :

Read a second time, and

On motion of Mr. Webb,

Referred to the Committee on Claims and Accounts.

The report of the Committee on Public Lands on the petition of Wm. T. Jackson :

Read and adopted.

Joint Resolution for the relief of S. L. Johnson :

Read a second time, and

On motion of Mr. Haynie,

Ordered to be engrossed.

A bill to be entitled An Act to organize the militia of Santa Fe :

Read a second time, and

On motion of Mr. Walling,

Passed to a third reading.

A bill to be entitled An Act regulating the sale of runaway slaves :

Read a second time, and

On motion of Mr. Walling,

Ordered to be engrossed.

A bill to be entitled An Act to define the Southern boundary line of Collin and Denton counties :

Read a third time and passed.

A bill to be entitled An Act to create the county of Delta :

Read, and

On motion of Mr. Potter,

Indefinitely postponed.

The report of the committee on Public Lands on the petition of James Crossland, recommending said petition be laid on the table :

Read and adopted.

A message was received from the Senate informing the House of Representatives, that the Senate had adopted a substitute for the bill to create the county of Hays ;

A bill to be entitled An Act to provide for the establishment of Free Public Schools :

On motion of Mr. Bryan,

Made the special order of the day for Tuesday next.

A bill to be entitled An Act for the relief of Dr. Thomas P. Anderson, deceased :

Read a second time, and

On motion of Mr. Miller of H.,
Referred to the committee on Finance.

On motion of Mr. Eddy,

Mr. DeCordova, was added to the committee on Public Lands.

On motion of Mr. Stuart of Galveston,

Mr. DeCordova was added to the committee on Finance.

The report of the committee on Public Lands on the petition of A. B. Harwood, recommending that the petition be laid on the table :

Read and adopted.

A bill to be entitled An Act regulating the trial of property levied upon by execution, sequestration and attachment ; with the substitute offered by the Judiciary Committee :

Read, and substitute adopted, and

On motion of Mr. Pease,
Ordered to be engrossed.

A bill to be entitled An Act to incorporate the town of San Augustine :

Read a second time, and

On motion of Mr. Edwards,
Ordered to be engrossed.

The report of the committee on Education, recommending that no action be taken on the petition from the Baylor University :

Read and adopted.

A bill to be entitled An Act to create the county of Hays; was a substitute offered by the Senate.

Read and substitute adopted.

Mr. Stewart of Gonzales, moved to refer the bill to a select committee.

On motion of Mr. Robertson,

The House adjourned until Monday morning, 10 o'clock.

House of Representatives,
Austin, February 21st, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Carothers, Crump, Davis of L., Davis of R., DeCordova, Dooley, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Lewis, Lott, Lyons, Miller of C., Miller of Houston, Millican, McNeill, Pease, Perry, Potter, Rains, Rayner, Renfro, Reagan, Robertson, Runnels, Saddler, Shaw, Sterne, Stoddard, Taylor, Truit, Webb, Winkler, Wheeler, White and Wren.

A quorum being found present,

The Journal of the 19th inst. was read and adopted.

Mr. Robertson presented the petition of A. B. Gray.

On motion of Mr. Robertson,

The petition was referred to a select committee,

The Speaker appointed,

Messrs. Robertson, Fields, Rains, Stewart of Gonzales, and Miller of Colorado, to constitute said committee.

Mr. DeCordova presented the petition of Alexander Erving.

Mr. DeCordova moved that the petition be referred to a select committee.

Motion lost.

Mr. Crutcher moved that the petition be referred to the select committee, just raised by the House.

Motion carried.

On motion of Mr. Crutcher,

Mr. DeCordova was added to said committee.

Mr. Cunningham presented the petition of the citizens of Calhoun county.

On motion,

The petition was referred to the committee on County Boundaries.

Mr. DeCordova presented the petition of C. B. Cogswell.

On motion,

The petition was referred to the committee on Public Lands.

Mr. Pease, chairman of the committee on the Judiciary made the following report:

The committee on the Judiciary, to whom was referred a bill to be entitled "an act to repeal the 2nd and 4th sections of an act, requiring the Commissioner of the General Land Office to issue patents on unconditional headright certificates for land, approved, May the 12th, 1846," have had the same under consideration, and believe the act should be amended as follows:

First amendment.

Strike out of the title, the words, "second and."

Second amendment.

In the 2d line of the 1st Sec. strike out the following words "second and."

With these amendments, the committee recommend the bill to the favorable consideration of the House.

Report received, and the bill and amendments laid upon the table to come up in their regular order.

Mr. Potter, one of the committee on the Judiciary, made the following report:

The committee on the Judiciary, to whom was referred a bill to be entitled "an act authorizing the Galveston City Company, to change the plan of a certain block of lots in the city of Galveston, and authorizing the city and county authorities to use one of the Public Squares of said city, for city and county buildings," have had the same under consideration, and from the information before said committee, they are of opinion that the bill should be passed; and have instructed me to report the same back to the House, without amendment, and to recommend its passage.

Report received, and the bill laid upon the table to come up in its regular order.

A message was received from the Senate, informing the House of the passage of the following bills and Joint Resolution by that body.

A bill to be entitled "an act, to define more correctly the boundaries of DeWitt county."

A bill to be entitled "an act to incorporate the town of Montgomery."

And a bill to be entitled "an act to establish the county seat of Grimes county."

[All of which bills originated in the House of Representatives, and were passed by the Senate without amendment.]

A "Joint Resolution, instructing our Senators and requesting our Representatives in the Congress of the United States, to procure the passage of an act concerning the establishment of a temporary line of Military Posts, and relative to trade and intercourse with Indians."

Also, that the following bills, which originated in the House of Representatives, had been passed by the Senate, with amendments:

A bill to be entitled "an act to locate permanently the seat of Justice of DeWitt county."

A bill to be entitled "an act supplementary to an act entitled an act to create the county of Smith, approved, April the 11th, 1846;" and

A bill to be entitled "an act to create the county of Kaufman."

Mr. Carothers, chairman, of the committee on county boundaries made the following report.

The committee on county boundaries, to whom was referred a bill to be entitled "an act to create the county of Cooke," have had the same under consideration, and finding no objection to the bill, a majority of said committee, have instructed me to report the bill back to the House, and to respectfully recommend its passage.

Report received, and the bill laid upon the table, to come up in its regular order.

Mr. Bryan, chairman of the committee on engrossed bills, made the following report.

The committee on engrossed bills, have examined a bill to be entitled "an act to amend the 1st section of an act supplementary to an act regulating the sale of runaway slaves, approved, January 5th, 1841.

A bill to be entitled "an act regulating marks and brands."

A "Joint resolution for the relief of James Cole, assignee of R. H. Porter."

A bill to be entitled "an act regulating sequestrations;" and

A bill to be entitled "an act to incorporate the Galveston Steam Ferry, Freight and Tow Boat Company, and find the same correctly engrossed.

Report accepted.

Mr. Lyons, chairman of a select committee made the following report.

The select committee to whom was referred a bill to be entitled "an act for the relief of Horace L. Upshur," have had the same under consideration, and a majority of said committee have instructed me to report the bill back to the House and to recommend its passage.

Report received, and the bill laid upon the table to come up in its regular order.

Mr. Davis of Liberty introduced a bill to be entitled "an act to change the northern boundary line of Limestone county."

Bill read a first time.

Mr. Pease introduced a bill to be entitled "an act to reserve certain lands from location.

Bill read a first time.

Mr. Pease moved that the rule of the House, which requires bills to be read on three several days be suspended.

Motion carried.

The bill was then read a second time, and

On motion of Mr. Pease, referred to the committee on Public Lands.

Mr. Bogart introduced the following resolution:

Resolved, That the committee on State Affairs, be instructed to enquire into the expediency of devising some plan, by which a portion of the Seminary lands, surveyed in Grayson county, may be brought into market; or, if it be found unconstitutional to authorize a sale of said Seminary lands, then to enquire as to the propriety of floating a portion of said lands, from the county of Grayson to some other portion of the Public domain.

Resolution adopted.

Mr. Stuart of Galveston, moved a reconsideration of the vote adopting the report of the committee on State Affairs, in relation to a bill to be entitled "an act to create a Fiscal Agent; and for the better security of the revenue."

Motion carried.

On motion of Mr. Pease,
The bill was laid upon the table.

Mr. Robertson introduced the following resolution:

Resolved. That the committee on Finance be instructed to report to the House, on to-morrow morning, relative to the bill concerning the outstanding liabilities of the late Republic of Texas.

Resolution rejected.

On motion of Mr. McCown, the House proceeded to the orders of the day.

A bill to be entitled "an act to regulate the trial of suits for title to land," being the special order of the day:

Was taken up.

On motion of Mr. Armstrong, the bill was laid upon the table.

A bill to be entitled "an act authorizing and requiring the Commissioner's Courts of counties, to regulate roads and appoint overseers:"

Was taken up, and

Read a third time.

Mr. Robertson moved that the rule of the House, which prevents bills from being amended on their third reading be suspended.

Motion carried.

Mr. Robertson offered the following as an amendment to the bill.

Insert "Public," before the word "Millers."

Amendment adopted.

Question—Shall the bill now under consideration of the House be passed, without further amendment.

The House decided in the affirmative.

A "Joint Resolution for the benefit of the Texas volunteers, called into the service of the country, in the year 1846."

Was taken up, and

Read a first time.

Mr. Epperson moved to take from the table, and place among the orders of the day, a bill to be entitled "an act to regulate the issuance of certificates for land to the soldiers of the 1st Regiment of Infantry of the late Republic of Texas, or their assigns.

Motion carried.

A bill to be entitled "an act to provide for raising a Jury fund."

Was taken up, and

Read a second time.

Mr. Wheeler moved the engrossment of the bill.

Mr. Cunningham in the chair.

Mr. Miller of Houston offered the following as amendments to the bill.

In the 1st section of the bill strike out the word "five," before dollars," and insert "three."

In the same section, strike out the word "three," and insert "two."

Amendments adopted.

On motion of Mr. Stout, the bill was

Referred to the committee on the Judiciary.

A bill to be entitled "an act to authorize and require the Secretary of State, to cause all the unbound Enrolled acts and Joint Resolutions of the late Republic of Texas, and of the first Legislature of the State of Texas, to be substantially bound, for preservation in his office," together with an amendment proposed by the committee on State Affairs, were taken up; and

The amendment read and adopted.

On motion of Mr. Willie,

The bill was then passed to a third reading.

A bill to be entitled "an act to establish a State Library, and to create a Library fund:"

Was taken up and read.

On motion of Mr. Webb,

The bill was referred to the committee on the Judiciary.

A bill to be entitled "an act to amend an act concerning Divorce and Alimony:"

Was taken up and read a second time.

On motion of Mr. Potter,

* The bill was referred to the committee on the Judiciary.
A bill to be entitled "an act to locate the county seat of Cass county."

Was taken up and read a first time.

A bill to be entitled "an act to incorporate the town of Indian Point.

Was taken up and read a second time.

* On motion of Mr. Burroughs,
The bill was referred to the committee on the Judiciary.
A "Resolution excluding the introduction of any new business into the House, after Friday the 18th inst."

Was taken up and read.

On motion of Mr. Pease,
The resolution was laid upon the table.
A "Joint Resolution for the relief of Edward Hall."

Was taken up and read a second time.

On motion of Mr. Lewis,
The joint resolution was ordered to be engrossed.
A bill to be entitled "an act to incorporate the Houston Lyceum."

Was taken up and read a second time.

On motion of Mr. Rayner,
The bill was referred to the committee on Education.
A bill to be entitled "an act to amend an act for the relief of Jonathan Bird, passed January the 8th, 1845."

Was taken up.

Mr. Mosely moved the engrossment of the bill.

Mr. Webb offered the following as amendment to the bill.

After the word "taxes," insert "due and owing to the State of Texas, by said Bird, individually, or by his heirs."

Mr. Runnels moved that the sense of the House be taken on the previous question.

Motion carried.

Question—Shall the bill now under consideration of the House, be engrossed?

The yeas and nays were called on the engrossment of the bill, and stood as follows:

Yeas—Messrs. Allen, Armstrong, Bogart, Bourland, Bryan, Crutcher, Davis, of R., De Cordova, Dooley, Epperson, Fields, Goode, Haynie, Keenan, Lewis, Miller of H., Millican, Mosely, McCown, McNeill, Neal, Reagan, Robertson, Runnels, Saddler, Shaw, Sterne, Stout, Stuart, of Gal., Taylor, Truit, Walling, Winkler, Wheeler and White,—36.

Nays—Messrs. Speaker, Burroughs, Carothers, Cunningham, Eddy, Edwards, Hardeman, Lyons, Miller, of C., Pease, Perry, Rains, Rayner, Stewart, of Gon., Webb, and Wren—16.

Carried: and the bill ordered to be engrossed.

A bill to be entitled "an act to incorporate the Galveston Manufacturing Company," was taken up, and

Read a second time.

On motion of Mr. Henderson,

The bill was referred to the committee on Internal Improvements.

A bill to be entitled "an act to amend the 1st, 3d and 7th sections of an act to define the times of holding the Courts in the several Judicial Districts in the State of Texas," passed May the 11th, 1846, was taken up.

Mr. McCown moved that the bill be referred to the committee on the Judiciary.

Mr. McNeill offered the following as an amendment to the bill:

"In the 3d section, make the first Court commence at Montgomery, and continue two weeks. Make the second Court commence at Grimes, and continue one week."

Mr. Henderson moved to amend the amendment, by striking out the word "two," before "weeks," at Montgomery, and inserting "one."

Motion lost.

The sense of the House was then taken, on Mr. McNeill's amendment.

Amendment adopted.

On motion of Mr. Willie,
The bill was ordered to be engrossed.

Mr. Sterne moved to take up the bill to be entitled "an act to give to each county its own map and records."

Motion lost.

A bill to be entitled "an act for the benefit of owners of conditional headright certificates for land," was taken up, and

Read a second time.

On motion of Mr. Davis, of R.,
The bill was referred to the committee on Public Lands.

A bill to be entitled "an act to create the county of _____," was taken up, and

Read a second time.

Mr. Fields moved to fill the blank with "Wood."

Mr. McNeill moved that the bill and amendment be referred to the committee on County Boundaries.

Motion carried, and reference made.

Mr. Pease moved that the bill (which originated in the Senate,) to be entitled "an act to reorganize the several Judicial Districts of the State," be taken up.

Motion carried.

The bill was then taken up, and

Read a first time.

Mr. Cunningham moved that the rule of the House which requires bills to be read on three several days, be suspended.

Motion carried.

The bill was then read a second time.

Mr. Bogart moved that the bill be referred to the committee on the Judiciary.

Mr. Willie moved that the House resolve itself into a committee of the whole.

Motion carried.

Mr. Willie in the chair.

Mr. Stout moved that the committee of the whole rise, report progress, and ask leave to sit again.

Motion carried.

Mr. Willie, chairman of the committee of the whole, on the bill to reorganize the several Judicial Districts of the State, reported, that they had adopted the bill in part, and asked leave to sit again.

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined "An act to authorize the opening of a Turnpike Road from the City of Houston to the Brazos River;"

And find the same correctly enrolled. And, having been signed by the Speaker of the House of Representatives, and the President of the Senate, was, this day, presented to His Excellency the Governor, for his approval.

Report accepted.

Mr. Bourland moved to excuse the committee of the whole from the further consideration of the bill reorganizing the Judicial Districts of the State.

Motion carried.

Mr. Sterne moved that the House adjourn until Wednesday morning, 10 o'clock.

Motion lost.

On motion of Mr. Stuart, of Galveston,

The House adjourned until to-morrow morning, 9 o'clock.

House of Representatives,
Austin, February 22d, 1848.

The House met pursuant to adjournment,

The Roll was called,

And the following members answered to their names :

Messrs. Speaker, Armstrong, Bogart, Bourland, Bryan, Carothers, Crump, Crutcher, Cunningham, Davis of L., Davis, of R., De Cordova, Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lewis, Lott, Lyons, Miller of C., Miller of H., Millican, Mosely, McCown, McNeill, Neal, Pease, Perry, Potter, Rains, Rayner, Renfro, Reagan, Robertson, Railey, Runnels, Saddler, Shannon, Shaw, Sterne, Stout, Stoddard, Stuart, of Gal., Stewart, of Gon., Taylor, Truit, Webb, Walling, Winkler, Wheeler, White, Willie and Wren.

A quorum being present,

The Journal of the preceding day was read and adopted.

Mr. Neal presented the petition of Andrew J. Yates, administrator of the estate of J. Platt Lansing, deceased.

Referred to the committee on Military Affairs, without reading.

Mr. Willie presented the following protest against the action of the House on the resolution to permit the Commissioner of the General Land Office to answer to the charges made against him by a majority of the committee on the Land Office :

The undersigned, availing himself of his privilege as a member of the House of Representatives, asks to spread upon the journals his protest against the action of a majority of the House on the 18th inst., upon a resolution giving to the Commissioner of the General Land Office permission to present any facts in his possession tending to controvert the statements of the majority of the committee on the Land Office, and against the course taken by a majority of the House on the same day, upon the reports of the majority and minority of said committee. Believing that to have adopted the resolution would have only been doing justice to an officer who has heretofore sustained a fair reputation, the undersigned feels it his imperative duty to himself and his constituents to present in this formal manner his opposition to the action of the majority.

At an early day of the session, the committee on the Land Office were instructed by a resolution of the House, to enquire what fees had been charged in that office, by whom, and the probable amount of the same; by a subsequent resolution they were further instructed to enquire what disposition had been made of money received in the Land Office for patents and land dues, and how the money appropriated to sustain that department had been used, and in general terms, whether the Commissioner had been guilty of any malseasance in office. After a considerable time spent in the investigation, a minority of the committee reported, exculpating the Commissioner from any charge of misconduct in the management of the affairs of the office.—Subsequently, a majority of the committee reported it as the result of their investigation, that there had been on the part of the Commissioner, a wilful misapplication of the money of the Government, and a general disregard of law, in conducting the business of the office. It is unnecessary to recapitulate the various charges made against that officer, it is sufficient to say that a majority of the committee expressed in strong terms their disapprobation of the conduct of the Commissioner, and impute to him offences which would render him not only unworthy of the confidence of the country, but undeserving the respect of any honest man. The undersigned, after closely examining these reports, differing widely as they do, is constrained to say, that they do not present facts from which he can draw a satisfactory conclusion.

Had every member of the committee joined in the report of the majority, it would still have been proper that the House should understand the facts upon which the judgment of the committee was based; how much greater then the necessity when there appears so great a diversity of opinion among the members of the same committee, that all and every fact, and the testimony of every witness should have been reported. It is but reasonable to suppose that the House, in assigning to a committee of its members the duty of investigating the conduct of an officer of the government, desired to acquire information upon which they could act. If it was a mere formal reference, designed to effect no purpose, the whole investigation results in nothing more than a useless waste of time. Taking it for granted, therefore, that the object in directing the enquiry was to arrive at facts, and not merely to elicit the opinion of its

committee; or to obtain an expression of the judgment of that committee upon the subject referred to them, the undersigned cannot view the result of the investigation as satisfactory, or in compliance with its original design—entertaining this opinion, he was desirous to learn more of the facts of the case, and thereby enable himself to form a correct conclusion as to the reports of the majority and minority of the committee; in this he was not singular, for a respectable minority of the House were equally at a loss to form an opinion upon the conflicting statements of the two divisions of the same committee; doubt and perplexity thus hanging around the subject, a resolution was proposed, allowing the Commissioner to submit to the House any proof in his possession tending to controvert the charges made against him: a vote of the House laid upon the table that resolution, and the two reports of the committee on the Land Office, thus closing all further investigation. The undersigned respects too highly the motives of each and every member of the House, to suppose that it was designed to suppress the attainment of any information calculated to exculpate the Commissioner from the crimes imputed to him—he cannot believe that it was the wish of a single member to destroy through the report of a committee, the reputation of a free citizen, without giving him an opportunity of vindicating his honor and good name. This though not designed, may be the result; conceding therefore to all the same freedom of opinion which he claims for himself, he solemnly protests against the action of the majority in refusing to adopt the resolution above referred to, and in laying upon the table the reports of the Land Office committee, without adopting some means for a further investigation.

JAMES WILLIE.

Mr. Pease, chairman of the Judiciary committee, reported:

The committee on the Judiciary, to whom was referred a bill to be entitled "An act requiring the Sheriffs and Clerks of the several counties of this State to keep their offices at the place of holding the Courts in each county," have had the same under consideration, and have prepared a substitute for said

bill, which is herewith reported to the House, and recommended for adoption.

Read and received, to come up in order.

Mr. Bryan, chairman of the committee on Engrossed Bills, reported that they have examined a bill to be entitled "An Act to regulate Public Printing : Also,

A bill to be entitled "An Act to establish the method of trying the right of property levied under writs of execution, sequestration and attachment, when the same is claimed by a person who is not a party to such writ : Also,

A Joint Resolution authorizing the Comptroller of Public Accounts to transfer to S. L. Johnson, an Austin city lot : Also,

A bill to be entitled "An Act to amend an Act to regulate the proceedings in the District Courts ; approved, 13th of May, 1844 ; and find the same correctly engrossed.

Mr. Fields, chairman of the Select Committee reported :

The Select Committee, to whom was referred a bill to regulate the killing of neat cattle, have had the same under consideration, and have instructed me to report the accompanying substitute for the original bill, and recommend the passage of the same. The original requires every person, throughout the country, killing cattle for home consumption, to make report thereof to some Justice of the Peace ; which, the committee consider rather onerous ; and they are satisfied it would be so received by their constituents—for this reason, the committee have left out of the substitute that part of the original bill :

Read and received ; to come up in regular order.

Mr. Rayner, made the following report.

The committee of conference, appointed on the part of the Senate and House of Representatives to take under consideration a bill to be entitled "An Act authorizing persons who have received donation certificates under the provisions of an Act granting land to those who were in the battle of San Jacinto and other battles; approved, Dec. 21, 1837; to alienate said certificates and the lands acquired under them;" having conferred upon and considered the same, have agreed that the Senate shall recede from its amendments, and instructed us to report the result of our conference to the Senate and House of Representatives.

W. M. WILLIAMS, Chairman,

On part of the Senate.

W. S. RAYNER, Chairman,

On part of the House of Reps.

Read and received; to come up in order.

Mr. Lewis introduced a bill to be entitled An Act supplementary to an Act to restore lands sold for taxes and bid in by the Government, to former owners; approved, April 27, 1846:

Read a first time.

A bill to be entitled An Act to change the name of Ralph William Peacock, to John Bowen:

Read a first time.

Mr. Reagan, by leave, reported:

The committee on Public Lands, to whom was referred a bill to be entitled An Act to provide for the issuance of patents on land certificates which have been conditionally recommended, have had the same under consideration, and have instructed me to report to the House the accompanying substitute, and recommend its passage.

Read and received; to come up in order.

Mr. Keenan introduced a bill to be entitled An act to incorporate the Huntsville Male Institute.

Read a first time.

A message was received from the Senate, informing the House, that the Senate had passed—

A bill to be entitled An Act to continue in force an act for the relief of those who purchased lots in the city of Austin, and the tract adjoining: also,

A Joint Resolution for the relief of J. W. E. Wallace: also,

A bill to be entitled an act authorizing Sarah Ann Kelton, wife of Oliver P. Kelton, (a lunatic,) to make valid conveyances of real estate and negroes: also,

A bill to be entitled an act to remove the office of the Robertson land district, from Franklin, in Robertson county, to Springfield, in Limestone county. also,

A bill to be entitled an act prescribing in what cases the Governor may remit fines and forfeitures: also,

A bill to be entitled an act to incorporate the town of Springfield: also,

A bill to be entitled an act for the relief of the widow and heirs of Maj. James L. Holmes, deceased: also,

A joint resolution for the relief of William Plucker: also,

A bill to be entitled an act to authorize John H. Reagan and his associates, to open and construct a turnpike road from the town of Buffalo, on the Trinidad River, across the bottom to the high land on the west side, in the direction of the town of Corsicana: also,

A bill to be entitled an act for the relief of Kesiah Taylor, whose maiden name was Kesiah Cryer: also,

A bill to be entitled an act for the relief of Moses Evans, sur-

viving administrator of the estate of H. S. Williamson, deceased: also,

A bill to be entitled an act to legalize the marriage of Eli Gray and Ann Eliza Gray.

On motion of Mr. Reagan,
The orders of the day were taken up.

A bill to be entitled an act to establish the Judicial Districts of the District Courts.

Mr. Lott moved to refer the bill to the Judiciary committee.
Lost.

Mr. Lott moved to amend as follows:

In the sixth Judicial District, strike out Upshur, Cass, Harrison and Panola, and insert Nacogdoches, Angelina, Houston and Anderson.

Lost.

Mr. Bourland moved that the bill pass to a third reading.

Mr. Bogart moved to amend as follows;

In the eighth District, strike out Fannin and insert Hunt.

Lost.

A message was received from the Senate, informing the House that the Senate had passed—

A joint resolution making an appropriation for the payment of the pro rata pay due E. W. Moore, Post Captain, commanding the late Texas Navy, under the provisions of an act of Congress of the late Republic of Texas, approved 5th Feb., A. D. 1844: also,

A resolution to go into the election of District Attorneys on the 26th inst.

Mr. Goode moved the previous question on the bill under consideration.

Lost.

Mr. Shannon moved to amend as follows:

In the eighth Judicial District, after the word Fannin, insert Grayson.

Mr. Bogart moved to amend the amendment as follows

After Grayson, insert Collin,

Mr. Reagan offered the following substitute for both amendments :

Strike out Grayson in the ninth District, and add it to the eighth District, and strike out Hunt in the eighth District, and add it to the ninth District.

Mr. Lott moved the indefinite postponement of the bill and amendments.

Which question was taken, and lost by the following vote :

Yeas—Messrs. Bogart, Crutcher, Eddy, Fields, Haynie, Keenan, Lyons, Lott, Miller of C., Millican, Perry, Saddler, Shaw, Sterne, Stout, Webb, Walling, White and Willie—19.

Nays—Messrs. Speaker, Bourland, Bryan, Carothers, Crump, Cunningham, Davis of L., Davis of R., Epperson, Edwards, Goode, Gilliam, Hardeman, Lyons, Miller of H., Mosely, McCown, McNeill, Neal, Potter, Rains, Rayner, Renfro, Reagan, Robertson, Railey, Runnels, Shannon, Stoddard, Stuart, of Gal., Stewart of Gon., Taylor, Truit, Winkler, Wheeler and Wren—37.

Mr. Cunningham moved the previous question :

Which was carried, by the following vote :

Yeas—Messrs. Speaker, Bourland, Carothers, Crump, Cunningham, Davis of L., Eddy, Edwards, Gilliam, Goode, Hardeman, Haynie, Keenan, Lyons, Mosely, McCown, Neal, Pease, Rains, Rayner, Renfro, Railey, Runnels, Shannon, Stout, Stoddard, Stuart, of Gal., Taylor, Truit, Winkler, Wheeler and Wren—32.

Nays—Messrs. Bogart, Bryan, Crutcher, Davis of R., Epperson, Fields, Lewis, Lott, Miller of C., Miller of H. Millican, McNeill, Perry, Potter, Reagan, Robertson, Saddler, Shaw, Sterne, Stewart, of Gon., Webb, Walling, White and Willie—24.

Mr. Haynie moved a reconsideration of the vote just taken.
Lost.

Mr. Webb moved a call of the House.

Carried.

Quorum present.

Mr. Potter moved to suspend the call of the House.

Carried.

Mr. Bogart moved a call of the House.

Lost.

Mr. Wren moved to adjourn until to-morrow morning, 10 o'clock.

Lost.

Mr. Bogart moved to adjourn until to-morrow morning, 9 o'clock.

Lost.

Mr. Bogart moved to adjourn until 10 o'clock, to-morrow morning.

Lost.

Mr. Bogart moved to adjourn until to-morrow morning, 8 o'clock.

Lost.

Question on the passage of the bill to a third reading was taken and carried by the following vote:

Yeas—Messrs. Speaker Allen, Armstrong, Bourland, Bryan, Carothers, Cunningham, Davis of L., Edwards, Gilliam, Goode, Haynie, Lewis, Lyons, Mosely, McCown, Neal, Pease, Rains, Rayner, Renfro, Reagan, Railey, Runnels, Shannon, Stoddard, Stuart, of Gal., Stewart, of Gon., Taylor, Truit, Winkler, Wheeler and Wren—33.

Nays—Messrs. Bogart, Crump, Crutcher, Davis, of R., De Cordova, Eddy, Epperson, Fields, Hardeman, Lott, Keenan, Miller, of C., Miller of H., Millican, McNeill, Perry, Robertson, Saddler, Shaw, Sterne, Stout, Webb, Walling, White Willie—25.

A bill to be entitled an act to locate permanently the seat of justice of De Witt county, with the amendment from the Senate, was taken up.

Amendment concurred in.

Mr. Webb, from the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined "An act to establish the county seat of Denton county: also

A joint resolution in behalf of Edward A. Weyman, a resident citizen of Nueces county :—and find the same correctly enrolled; and having been signed by the Speaker of the House of Representatives, and President of the Senate, were this day presented to His Excellency the Governor, for his approval.

Read and adopted.

A bill to be entitled an act supplementary to an act to create the county of Smith; approved April 11, 1846; with amendments from the Senate, was taken up, and
Amendments concurred in.

A bill to be entitled an act to create the county of Kaufman, with amendments from the Senate, was taken up, and
Amendments concurred in.

Mr. Crutcher moved the House adjourn until to-morrow morning, 10 o'clock.
Lost.

A bill to be entitled an act to repeal the 2d and 4th sections of an act requiring the Commissioner of the General Land Office to issue patents on unconditional headright certificates, for land; approved May 12, 1846.
Read a third time and passed.

A bill to be entitled an act to regulate Public Printing.
Read a third time, and passed.

Mr. Sterne moved the House adjourn until to-morrow morning, 10 o'clock.
Lost.

On motion of Mr. Rayner,

The House adjourned until to-morrow morning, 9 o'clock.

House of Representatives,
Austin, Feb. 23rd, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Carothers, Crump, Cunningham, Davis of R., DeCordova, Dooley, Eddy, Fields, Goode, Hardeman, Haynie, Keenan, Lewis, Lott, Lyons, Miller of C., Miller of Houston, McCown, McNeill, Potter, Neal, Pease, Perry, Rains, Rayner, Reagan, Robertson, Runnels, Saddler, Shannon, Shaw, Stout, Stewart of Gonzales, Taylor, Truit, Webb, Wheeler, Winkler and Willie.

A quorum being present,

The Journal of the preceding day was read and adopted.

Mr. Burroughs, chairman of the committee on Enrolled Bills made the following report:

The committee on enrolled bills have examined a Joint Resolution making an appropriation for the payment of the prorata pay due E. W. Moore, Post Captain commanding late Navy of Texas, under the provisions of an act of Congress of the Republic of Texas, approved 5th February, 1844, and find the same correctly enrolled; and having been signed by the Speaker of the House of Representatives and President of the Senate, was this day presented to his excellency the Governor, for his approval.

Report accepted.

Mr. Neal, chairman of the select committee to whom was referred the petition of Stuart Perry, reported.

"A Joint resolution for the relief of Stuart Perry:"

Which was read a first time.

A message was received from the Senate informing the House that the Senate had passed the following bills and Joint Resolutions, originating in the House of Representatives with amendments.

A bill to be entitled an act allowing a sett off in certain cases.

Substitute for a bill to create the county of Caldwell.

Joint Resolution fixing the time for the election of the Commissioner of the General Land Office.

On motion of Mr. Stuart of Galveston,

The House then proceeded to the orders of the day.

A Resolution from the Senate fixing Saturday 26th inst. at 12 o'clock, M., for the election of District Attorneys for the several Judicial Districts.

Read and adopted.

Mr. Allen moved to take up the substitute offered by the Senate for the bill to create the county of Caldwell.

Lost.

A bill for the establishment of free public schools in the several counties of this State.

Read a second time.

Mr. Keenan moved its engrossment.

Mr. Pease offered the following substitute for the second section.

Strike out the second section and insert the following as a substitute.

Sec. 2d. Be it further enacted, That the one tenth of the annual revenue of the State arising from taxation, which is set aside by the Constitution, as a school fund shall be annu-

ally appropriated by the Comptroller of Public Accounts among the several counties of this State, which now exist or may hereafter be established in this State, in proportion to the amount paid in each county for all State taxes other than the property tax, and the amount of the State tax, upon property situated in each county for the support of free public schools for each county.

Adopted.

Mr. Miller of Houston offered the following amendment:

In section 11th, 4th and 5th lines, strike out the words "property situated" and insert subjects of taxation," and after "property" in 9th line "and other subjects of taxation."

Adopted.

Mr. Davis of R., offered the following amendment:

Section 5th, 7th line, after the word "School Houses," insert, "Contract for building the same."

Rejected.

Mr. Davis of R., renewed the motion for engrossment.

Mr. Fields moved to strike out the 11th, 12th and 13th sections of the bill.

Mr. Runnels moved to amend, so that the provisions of the 11th, 12th and 13th sections extend only to Brazoria county

Question on Mr. Fields' motion to strike out, was then taken and lost.

Question was then taken on the engrossment, and carried by the following vote:

Yeas—Messrs. Speaker, Allen, Bryan, Corothers, Davis of L., Davis of R., DeCordova, Dooly, Eddy, Hardeman, Haynie, Keenan, Lewis, Miller of C., Miller of H., Millican, Mosely, Pease, Potter, Raynor, Reagan, Robertson, Shaw, Sterne, Stuart of Gal., Stewart of Gon., Taylor, Webb, Walling and Wheeler—30.

Nays—Messrs. Armstrong, Bogart, Burroughs, Crump, Cunningham, Eddy, Fields, Goode, Lott, McCown, McNeill, Neal, Perry, Rains, Runnels, Saddler, Shannon, Stout, Stoddard, Truit, Winkler and Willie—22.

A bill from the Senate to be entitled An Act for the relief of the heirs of Patrick Reels :

Read a third time and passed.

A bill from the Senate to be entitled An Act for the relief of Alfred Briggance :

Read a third time and passed.

Mr. Mosely moved to place among the orders of the day, a bill to be entitled An Act for the benefit of book-sellers :

Lost.

A bill from the Senate to be entitled An Act organizing the militia of Santa Fe :

Read a third time and passed.

A bill to be entitled An Act, supplementary to an Act to incorporate the town of Refugio :

Read a third time and passed.

A bill to define the boundaries of Austin county, was on motion of Mr. Raynor ;

Read by its caption a third time and passed.

A bill to be entitled An Act to incorporate the Republican Academy, in the county of Harrison :

Read by its caption a third time and passed.

A bill to create the county of Williamson, was

On motion of Mr. Shaw,

Read by its caption a third time and passed.

A bill to be entitled An Act for the relief of Ann Terrell :

Read a third time, and passed by the following vote :

Yeas—Messrs. Allen, Armstrong, Bourland, Bryan, Crump, Davis of L., Davis of R., DeCordova, Dooly, Epperson, Fields, Goode, Haynie, Keenan, Lewis, Lott, Miller of H., Millican, Mosely, McCown, McNeill, Potter, Raynor, Reagan, Robertson, Sterne, Stout, Stoddard, Stuart of Gal., Taylor, Truit, Walling, Winkler and Wheeler—34.

Nays—Messrs. Bogart, Burroughs, Carothers, Cunningham,

Eddy, Hardeman, Miller of C., Neal, Perry, Rains, Saddler, Shannon, Shaw, Stewart of Gon., Webb and Willie—16.

A Joint Resolution from the Senate, authorizing and requiring the Governor to employ some competent person to digest the laws.

Read a third time, and

On motion of Mr. Webb,

Referred to the Judiciary Committee.

A bill from the Senate to be entitled An Act to amend the second section of an Act to incorporate the town of Paris, the county seat of Lamar county; approved, Feb. 3, 1845:

Read a second time, and

On motion of Mr. Bourland,

Passed to a third reading.

A bill from the Senate, entitled An Act for the relief of Jesse H. Cartwright:

Read a second time, and

On motion of Mr. Allen,

Passed to a third reading.

A Resolution relative to the standing rules of the House:

Read and adopted.

Mr. Willie in the chair.

A bill to be entitled An Act regulating Justices' Courts, with the report of the Judiciary committee thereon:

Read a second time.

Mr. Bogart moved to adjourn until 3 o'clock, P. M.

Lost.

Mr. Webb moved a call of the House:

Carried.

On motion of Mr. Stout,

Mr. Wren was excused from the call of the House on account of sickness.

On motion of Mr. Burroughs,
Mr. Renfro was excused from the call of the House on account of sickness.

Quorum present.

On motion of Mr. Davis, of Robertson,
The further call of the House was suspended.

Mr. Bourland asked leave to record his vote on the bill for the relief of Ann Terrell.

Granted.

Mr. McCown moved that Mr. Pease be allowed to record his vote on the same question.

Leave granted.

Mr. Armstrong moved the engrossment of the bill under consideration.

Mr. Winkler offered the following amendment to the first section: Strike out "Justice" and insert "two Justices.

Rejected.

Mr. Hardeman renewed the motion for the engrossment of the bill.

Carried.

The chair announced a communication from the Secretary of State, which,

On motion of Mr. Webb,

Was taken up, and read as follows:

DEPARTMENT OF STATE, }
Austin, February 23rd, 1848.

To the Honorable

Speaker of the House of Representatives.

SIR:—

In compliance with a resolution of the House of Representatives of the 11th inst., I have the honor to transmit a copy of the contract made on the 29th January, 1844, between

the President of the late Republic of Texas and Charles Fenton Mercer, for the survey and settlement of a portion of the unappropriated lands thereof; and, also, a copy of all the papers, or documents of record, or on file, in this Department touching said contract.

The contract has not been declared forfeited; nor is there any evidence in possession of this Department to show that it has not been fulfilled.

I have the honor to be,

Very respectfully,

Your ob'dt serv't,

W. D. MILLER,

Secretary of State.

[DOCUMENT A.]

CHARLES FENTON MERCER'S COLONIZATION
CONTRACT.

MADE JANUARY 24TH, 1844.

This contract, made the 29th day of January, eighteen hundred and forty-four, between Sam. Houston, President of the Republic of Texas, acting in behalf of the Republic, of the first part, and Charles Fenton Mercer, late of the State of Virginia, but now of the city of Tallahassee, in the Territory of Florida, in the United States of America, and such associates as he shall choose, of the second, part witnesseth that, Whereas, by an Act passed by the Congress of Texas, entitled "An Act granting lands to emigrants"—approved, February the 4th; 1841, the President of the Republic of Texas was authorized to make a contract with sundry persons, named in the said Act, for the introduction and settlement of emigrants, upon the vacant lands of the Republic of Texas, upon certain terms and conditions,

therein expressed: the provisions of which Act, were extended and made general, and perpetuated by a subsequent Act, amendatory thereof; approved, the 5th of February, 1842: and Whereas, by a "Joint Resolution" of the Congress of Texas, "to modify the provisions of an Act, entitled an Act granting lands to emigrants; approved, the 16th of January, 1843," the President of the Republic of Texas was authorized to make such further contract or contracts with the grantees, named in the aforesaid Act, or with their assigns, or legal representatives, as shall be deemed by him, for the benefit of the Republic, and as shall not be inconsistent with the provisions of the said Act: and, Whereas, the said Charles Fenton Mercer is the legal representative, of part of the said grantees; one of whom died in London, prior to the passage of the Act of the 4th of February, 1841, before mentioned; and five others of whom assigned to the said Charles F. Mercer, among others, their interests in the said Act, and all contracts made pursuant thereto, by an assignment and transfer of their interests, dated in London, the 22d day of September, 1841; and the said Charles Fenton Mercer is desirous to make a new contract, in behalf of himself, and others, his associates, to be united in one Company or association, for the purpose of colonizing part of the ungranted or unappropriated lands of the Republic of Texas. Now this contract witnesseth, that the parties thereto have mutually covenanted and agreed, and do hereby covenant and agree to the terms and considerations of this contract, and bind themselves to each other, for the faithful fulfillment of the same, as follows viz: The party of the second part, for himself and his associates, his and their heirs, executors, administrators and assigns; covenant and agree, with the party of the first part, acting in behalf, and for the Republic of Texas, to introduce and settle, within the limits hereafter described by the party of the first part; or within such other limits as may be hereafter prescribed by the President of the Republic of Texas, for the purpose aforesaid, and in accordance with the provisions of the Acts aforesaid, and the said Joint Resolution, and within the term of five years from the date hereof, as many emigrant families as he and his associates can settle within the said limits, to be hereinafter described as aforesaid, at the rate of one family for every section, of one mile square of vacant or unappropriated land, within said limits: and, for

this purpose, the party of the second part and his associates, or their legal representatives, shall cause the unappropriated lands within the prescribed limits, to be surveyed as needed for the purpose of settlement, into sections of six hundred and forty acres, or half sections of three hundred and twenty acres each, at their option, and shall cause to be built, from time to time, as needed, such number of log cabins, or small houses constructed of other materials, as circumstances shall require, for the comfortable accommodation of each family introduced and settled as aforesaid. The number of families to be settled in each of the five years, succeeding the date hereof, shall not be less than one hundred, in each and every year of the said term; and for the better and more definite description of what is meant by the term family, the following meaning shall be understood to be expressed thereby, viz: That each family shall consist of at least, a man and his wife, or of a widower and two or more children, if males, under the age of seventeen years; if females; unmarried; or of a widow and two or more children, unless one be a son above seventeen years of age; in which case, one child shall suffice; or of two single men over the age of seventeen years.

And the party of the second part, and his associates further covenant and agree with the Republic of Texas, the party of the first part, that as soon as they shall receive a title from the Government of the Republic, to any tract or tracts of 640 acres, or of 320 acres of land, for the introduction and settlement of the families aforesaid, they will convey to each and every family aforesaid, such number of acres of land, as shall be agreed between them, the said party of the second part and his associates, and the said families respectively; but not less than 160 acres, nor more than 640 acres, to any one family: and that they will include in each deed of conveyance to a family, a clause of *defeasance*; requiring such family to enclose, with a good fence; and cultivate at least fifteen acres of the land, so conveyed; and to reside upon the same for three years, or forfeit their title to the Republic; or the party of the second part shall name the number of acres stipulated to be given to each family, as aforesaid, and request that the deed of conveyance be made therefor to the several families respectively, or their legal representatives, directly from the Government of the Republic; and in that case, the deed for the remaining portion of a section, or of two half sections, as the party of the

second part may desire, shall be made by the government to the said party, or their legal representatives.

And the party of the first part, in behalf of the Republic of Texas, hereby covenant and agree, with the party of the second part, their heirs, executors, administrators and assigns, or legal representatives, that they shall be authorized to introduce and settle emigrants within the limits hereinafter described, until they shall have settled therein, as many families as will entitle them to each and every alternate section of 640 acres; or to each and every alternate half section of 320 acres included, (as well as to all other sections,) therein, according to the terms and conditions herein provided. But the said party of the second part, shall not be required, in any case, to settle, or receive, or purchase any lot or tract of land, section or half section or fractional part of a section, which is not of fair quality, for agricultural purposes; or which is so far situated in the interior of a prairie, as to render it inconvenient for settlement: Provided, however, That all the lands which have been legally located within the limits hereinafter prescribed, according to the provisions of subsisting and valid laws, shall not be settled, received, occupied or purchased by the party of the second part, under, or by virtue of this contract: but no location within the said limits, made subsequent to the date of this contract, shall constitute any *bar* to the purchase or settlement of any part of the lands, hereby set apart and appropriated for colonization by the second party to this contract or their legal representatives.

And the said party of the first part, further covenants and agrees in behalf of the Republic, to give, grant and convey, to the said party of the second part, and associates or their legal representatives, one section of 640 acres of land for each family; or two half sections of 320 acres, for each and every family which they shall introduce and settle upon the lands hereinafter described and set apart for colonization: Provided, That each alternate section or half section of 640 or 320 acres, shall be reserved to the Republic, to be purchased, or not, by the party of the second part, on the terms hereinafter stipulated. And a full, absolute and perfect title shall be made, in the usual mode and form, to the party of the second part or their legal representatives, for each and every section, half section or other fractional part of a section, to which they may become entitled under the provisions of this contract: and the same shall be conveyed to them as soon as, and whenever they shall exhibit,

to the Commissioner of the General Land Office of this Republic, or other proper officer thereof, in manner and form hereinafter prescribed, the evidence of having surveyed the portion of land for which such conveyance is desired, and that there are comfortable small houses, or cabins, erected thereon, and families residing therein, who have been settled thereon by the said party of the second part, or their legal representatives: the said party paying, or causing to be paid, the expenses of such conveyances, as provided by the act of the 4th February, 1841, as aforesaid. Or, if the said party of the second part shall so request, the Government shall convey the title of such number of acres as the party of the second part shall have stipulated to convey, to the several families respectively, to said families or their legal representatives, directly; and the title to the residue of each 640 acres, or of any fractional part thereof, shall be in such case or cases, made directly to the party of the second part and their legal representatives.

And the said party of the first part further covenants and agrees, on behalf of the Republic of Texas, that the said party of the second part shall be allowed, and receive from the Government, as a further compensation for their services, and recompense for their labor and expense in introducing and settling the families herein provided for, *a premium of ten sections of 640 acres, or twenty sections of 320 acres of land for each and every hundred families introduced and settled as aforesaid; but no premium for any fractional number of one hundred families shall be allowed.* And, whenever due evidence shall be adduced, that the party of the second part, or their legal representatives, have settled one hundred families aforesaid, the said party or their legal representatives shall select said premium sections within said limits, from among those reserved to the Republic: Provided, That such selections shall be, where practicable, of continuous alternate sections, or fractional parts of sections, equivalent in extent to ten sections of 640 acres each; and a full and perfect title to said premium sections, so selected or chosen, shall be made to the party of the second part, or to their legal representatives from the Government of Texas.

And the said party of the first part, on the behalf of the Republic of Texas, further covenants and agrees, with the party of the second part, and their legal representatives, to give and grant to each settlement of one hundred families, made in pursuance of this contract, one section of 640 acres; to be located

as near the centre of the settlement as practicable; and on the payment by such settlement, or by the said party of the second part, on their behalf of the sum of twelve dollars, in gold or silver specie, into the Treasury of the Republic, to grant one other section of six hundred and forty acres to each settlement of one hundred families, in addition to the former; both to be conveyed directly to such settlement, to aid them in erecting the necessary buildings for religious public worship, and elementary and primary schools.

And the said party of the first part, in behalf of the Republic of Texas, further covenants and agrees, with the party of the second part, and their legal representatives, that, on paying into the public Treasury, and obtaining the Treasurer's or other proper officer's receipt for twelve dollars, paid into the same; and also of the delivery for cancelment to the same, or other proper officer, of any bonds, promissory notes, or other audited liabilities of the Republic, to the amount of six hundred and forty dollars; the party of the second part, or their legal representatives, shall be entitled to demand, and shall receive from the government, a full and absolute title to six hundred and forty acres, of the alternate sections, reserved as aforesaid; *Provided*. That previous to any such grant or conveyance, the said party of the second part, or their legal representatives, shall furnish due evidence that, for every sectional or fractional parts of a section, or sections, amounting to six hundred and forty acres of the reserved alternate sections, not comprehended in the twelve sections of every hundred, granted as premium sections, or for purposes of religious worship and schools.

An emigrant family has been introduced and settled in the manner aforesaid; and for every part of a section stipulated to be granted to such a family, a conveyance, if desired, shall be made directly to such family, or to their legal representatives, on the terms and conditions prescribed, as aforesaid, relative to the conveyances to be made to the families introduced and settled in the other sections, not reserved as aforesaid; and the conveyance for the residue of each alternate section, or of the balance remaining of the six hundred and forty acres of fractional sections, shall in such case, be conveyed on the terms aforesaid, to the said party of the second part, or to their legal representatives, directly.

And it is understood and hereby mutually agreed, between the parties to this contract, that all lands, lying within the

boundaries hereinafter described, which have not been legally located, prior to the date of this contract, shall remain, and be held subject to be settled, in manner aforesaid, by the said party of the second part: provided, that any lands within the boundaries hereinafter described, which shall not have been located, by the emigrant families, hereby authorized to be introduced and settled thereon; or appropriated, under the provisions of this contract, within five years from the date thereof, shall revert to this Republic.

And it is further mutually covenanted and agreed between the parties to this contract, that no emigrant shall be introduced by the party of the second part, or their legal representatives, who is known to them, to have been guilty of any heinous crime, or to sustain a bad moral character. Nor shall said party of the second part, nor any family introduced by them, be knowingly allowed to sell, or to give, or furnish to any Indian, any spirituous liquors, nor any powder, lead, or fire-arms, or any warlike weapons; but the said party of the second part, shall cause each male emigrant, of the age of seventeen years and up wards, to be supplied, and bring with him a good rifle yager, or musket, and a sufficient supply of ammunition. And the party of the second part, shall keep on hand, at all times, in some convenient place of deposit, such quantity of prime ammunition, as will supply to each male emigrant, of the age of seventeen years, and upwards, settled by them, not less than one hundred rounds.

And it is further mutually agreed between the parties of this contract that the party of the second part, shall cause the lands within the limits designated in this contract, to be surveyed from time to time; and divided into sections of six hundred and forty acres, and half sections of three hundred and twenty acres, so far as the same may be practicable, and where by reason of the intervention of large streams of water, or navigable rivers, this shall be impracticable, or it be rendered so, by prior locations, fractional sections of greater or less dimensions than one half, may be made; and the quantity of land therein, estimated and carried to the same account, in all respects, as the entire sections; by computing fractional sections, in quantities of six hundred and forty acres, and subjecting them as far as practicable, to the same conditions as are herein prescribed, in relation to the entire sections or half sections of six hundred and forty, and three hundred and twenty acres.

And of all such surveys, correct plats and copies of the field notes, shall be made; denoting thereon, the ranges and the number of the sections, or half sections; and the fractional sections, exceeding or falling short of one half section. And the same, or a correct copy thereof, shall be returned to the General Land Office of the Republic; and as the party of the second part, shall become entitled to any section, or number of sections, according to the terms of this contract, they shall be marked on said plat; and, whenever the party of the second part, or their authorized agent, or legal representatives, shall exhibit to the Commissioner of the General Land Office of the Republic, a certificate under oath, subscribed by two witnesses, and certified by some person qualified, by the laws of Texas, to administer an oath, that the said party of the second part, or their legal representatives, have caused to be built a small comfortable house, or cabin, or any number of such houses; or cabins, on the parcel or parcels of land, which they are obligated by this contract, to convey to each family, or the several families respectively, and have actually settled a family, or several families respectively thereon. they shall immediately receive thereafter, a full and absolute conveyance from the Government of the Republic, for as many sections of land of six hundred and forty acres, or half sections, or other fractional parts of sections equal in amount to six hundred and forty acres, as there shall be families certified to, in such certificate, or certificates: provided, that no settler, under seventeen years of age, when introduced into the Republic, shall afterwards be entitled to receive lands, in his own right, as an original settler, under this contract. And no family, or legal representative of a family, introduced and settled, by the party of the second part, or their legal representatives, shall be named as a settler, in more than one certificate; or shall entitle the said party of the 2nd part or their legal representatives, to more than one section of land; but if the party of the second part, or their legal representatives, shall so request, the government shall convey the title acquired by each family, as aforesaid, directly to such family; and the residue of the said six hundred and forty acres, to the party of the second part, or to the legal representatives of said party.

And it is further mutually covenanted and agreed, that correct records of all such conveyances, shall be duly kept in the General Land Office of the Republic; and, whenever it shall appear that titles have been made, or have accrued, accord-

ing to the terms of this contract, to the party of the second part, or to their legal representatives, for the settlement of one hundred families, the government of the Republic shall convey to the party of the second part, or to their legal representatives, *ten premium sections*, to be selected or chosen as aforesaid; and in like manner for each and every settlement of one hundred families the two additional reserved alternate sections, for religious purposes and schools within such settlement, on the terms and conditions aforesaid; and so on, for every other one hundred families, until the expiration of the term of years, aforesaid, allowed for the colonization of emigrants, under this contract, shall have expired.

And it is further mutually agreed, between the parties of this contract, that until the party of the second part, and such associates as they make, by transfer or assignment, of a part, or parts of their interest in this contract, and the lands set apart thereby, for colonization, on the terms and conditions herein expressed, shall obtain a charter, or act of incorporation, from the Congress of this Republic, they shall be authorized to appoint, by a majority of their number, *in interest*, in such mode, and by such title, or denomination, as a majority in interest, if the said association, may agree on, in some instrument of writing, or articles of agreement, and association; to be drawn up and subscribed by such majority—some one, or more persons to act under a common name, to be assumed by the said association, and under such instrument of writing, to invest such person, or persons, with full authority, as their trustee, or trustees, to receive and hold, for their benefit, and on their behalf, according to such rules as they, or a majority in interest, of their company, or association may prescribe in writing, from time to time; the titles and conveyances of such lands, bonds, obligations, notes or money as they shall agree, by a majority in interest of their number, to confide to the keeping, or to the use of their said trustee or trustees. And should the said majority in interest, of the party aforesaid, and their associates, at any time, desire to return or surrender such title or conveyances, as they may have received, in the manner aforesaid, through their trustees, to the government of the Republic, on due evidence of such desire, made known to the said government, or to the proper officers or officer thereof, empowered to make conveyances; the said government officers, or officer, shall make and convey new titles to the same lands to such person, or persons, party, or parties, direct-

ly by name, as the party of the second part, to this contract, or a majority, in interest, of the association, which such party of the second part, and their associates, may, by some instrument in writing, request. And, in the absence of such act of incorporation, as the party of the second part, their associates or legal representatives contemplate; they shall from time to time until such act be obtained, cause certified copies, attested, according to such evidence as the laws of this Republic prescribe, for foreign conveyances of land, where such land is conveyed by indentures or contract, made without the limits of this Republic, to be transmitted to the Department of State, or other proper Department of this Government for safe keeping and reference, as occasion may require. And within six months from the date hereof, and once within every six months thereafter, until such act of incorporation shall have been obtained, the association, formed as aforesaid, shall transmit a list of their copartners, and a statement of the share, or shares, of each in the stock or property of the association, or company; and of the common name or title assumed by them, or a majority of them, in interest, to the said Department.

And it is further mutually covenanted and agreed that, if an act of incorporation be obtained by the said association or company to be formed as aforesaid, all such deeds as may have been previously made to the same, or to their authorized trustee or trustees, may be surrendered to this Government in manner aforesaid, as soon as, or at any after the said act of incorporation shall have been obtained and the company organized under or by virtue of said act; and in that case, new deeds, corresponding with the new form of the association aforesaid, shall be executed and delivered in exchange for the former to the proper officer of such incorporated association, for the use and benefit thereof; the said party of the second part and their associates or lawful representatives, paying all legal expenses attending such deeds of conveyance.

And it is further covenanted and agreed by the parties to this contract, that the unlocated lands included in the following boundaries, shall remain and be held by the Government of this Republic, for the purposes herein set forth, until the end of five years from the date hereof, and shall be considered as set apart exclusively of all future claims, to be colonized in manner aforesaid, by, and for the benefit of the party of the second part aforesaid, and of this Republic, viz: Beginning on Red River op-

posite to the east bank of the branch thereof, emptying into the same from the United States of America, called the "False Wichita;" and running thence due North fifty miles, thence due East fifty miles, thence due South sixty-five miles, thence by a straight course to a point on the Rio Trinidad or River Trinity, on the bank thereof, opposite the lower or Southern bank of Cedar Creek, where the said creek empties into the said river, thence across the river Trinity to said bank of Cedar Creek, thence by a straight line to the lower or Southern bank of Aguilá creek, where the said creek unites with the river Brazos, thence up the said river Brasos, according to the meanders of the same, and binding thereupon to the intersections of the same by the new Indian boundary, described in the act of Congress, entitled "An Act to provide for the establishment and maintenance of peace, and to regulate friendly intercourse with the Indians;" on which was grounded the treaty with the Indians, made in September last—thence with said boundary wherever the same may be run and established under the said act, and the treaty made or to be made pursuant thereto to the Southern boundary of the tract of land set apart for colonization, by a contract bearing date the 26th of July, 1842, between Isaac Burnham acting for himself, and as agent for, and in behalf of W. S. Peters and others, of the first part, and Sam Houston, President of the Republic of Texas, on behalf of the said Republic, of the second part; and thence with the said Indian boundary or the Southern boundary of said tract of land, set apart as aforesaid, for colonization by the said contract, to the South-East corner of said tract, set apart as aforesaid; thence with the East boundary of said tract due North, or with the said Indian boundary, should the same be East of said Eastern boundary aforesaid, to Red River; and thence to and with the meander of Red River, down the South margin thereof, to the North-West corner of the tract of land, set apart for colonization as aforesaid, by a contract made pursuant to the Act of Congress of the 4th of February, 1841, between the President of the Republic, of the first part, and W. S. Peters and others, of the second part: which contract bears date, the 20th day of August, 1841; thence with the Western boundary of said tract, and of another tract, set apart as aforesaid, by a contract between the same parties, for the same object, running due South to the South-West corner of said last named tract; and thence with the Southern boundary of the same, to the South-Eastern corner thereof; and thence with the

Eastern boundary of said tracts to the beginning of the first of the two last described tracts, at the mouth of Big Mineral creek, where the same empties into Red River; and thence with the meanders of said river and binding thereon, to the beginning, opposite the lower bank of the "False Wichita," where the same empties into Red River.

And it is further covenanted and agreed between the parties to this contract, that unless the party of the second part or their legal representatives shall, prior to the 1st day of May, 1845, have introduced and settled on the land above mentioned, according to the tenor of this contract, one hundred families, all right and title of the said party of the second part or their legal representatives, to proceed further in the execution of this contract, shall cease and determine from the moment of such default; but such default shall not work or operate retrospectively, but leave to the party of the second part, and all persons claiming under them, whatever right, title or interest they may have acquired from the action of the party of the second part, and their legal representatives, prior to such default, to the same extent as if no such default, or failure had occurred; and, in like manner, and under like qualifications, the right of the said party to proceed further, under this contract, shall cease and determine: *Provided*, two hundred and fifty families be not introduced and settled by them, in manner aforesaid, on or before the expiration of two years from the date hereof; and so, in like manner, one hundred and fifty additional families shall be settled on the said lands according to the terms of this contract, by the said party of the second part or their legal representatives, within each of the three remaining years, or the right of the said party further to proceed, under this contract, through the full term of five years from the date hereof, shall on the occurrence of any default as aforesaid, utterly cease and determine: *Provided*, as before expressed, no such default shall operate otherwise than prospectively, either in relation to the said second party to this contract, or to the emigrant families actually settled, or any person or persons claiming by, through or under them, or any of them.

And it is further covenanted and agreed between the parties aforesaid, to obviate any misunderstanding of the terms on which it is agreed that the party of the second part may purchase and settle any number of families on the alternate reserved sections as aforesaid, that the like compensation or re-

compense in land for every hundred families settled thereon, and the like provision for public worship, and elementary schools, shall be made to the party of the second part, and their legal representatives, and to each settlement, as in the case of the introduction and settlement of the same number of families upon any other section not so reserved; and for such premium sections and the two sections allotted for religious purposes and schools, the party of the second part shall not be required to pay more than the *twelve dollars in specie*, required by the said Joint Resolution of the Congress; approved the 16th. of January, 1843.

In testimony whereof, the party of the first part to this contract, hath hereunto subscribed his name, and caused the seal of the Republic of Texas to be affixed; and the party of the second part hath subscribed his name, and affixed his proper seal, on the day and year in this contract first mentioned.

[L. S.]

Done at the town of Washington, on the 29th day of January, 1844, and of the Independence of Texas the eighth.

(Signed,)

SAM HOUSTON.

Attest,

ANSON JONES,
Secretary of State.

(Signed,)

CHAS. F. MERCER,
For himself, and such associates
as he may choose.

[DOCUMENT B.]

NEW ORLEANS, February 24, 1844.

DEAR SIR : —

Since my return here, I have discovered an error in the boundaries I had assigned to the third grant made to Peters & Co., being that of the _____ of _____ 1842; which reduces the quantity of land within the limits of my contract of the 29th of last month, say 1,900 square miles. The impossibility of deciphering the hand-writing of Mr Converse, who supplied me with a copy of that contract, led to this mistake, which changes much the aspect of the contract I have made, and already began to execute in good faith. I am, alone to blame for this error; which, happily, does not vitiate or nullify the grant made me and my associates—of whom, Dr. Rowlett is, as yet, the only one I have chosen under the power given me. The third grant, I find, comprehends the first and second within its boundaries, and extends ten miles to the West, and twelve miles to the East of those prior grants: and if Col. Coffee is correct in his distances, his Trading House is six miles from the extreme Western limits of the third grant, and consequently embraced in that grant, as he supposed when I saw him in Washington. The only effect this discovery has had upon my mind, is to render me more anxious about the direction of the new boundary prescribed for the Indians by the Act of Congress of the 14th of January, 1843; were the Brazos and the Big Wichita, and a line connecting them on the meridian of the 23d deg., as laid down on Colter's map, made the Indian boundary, it would have this to recommend it: It would leave of the fourth grant, a large proportion to the contractors, by the agreement of the 20th of January, 1843; and, so far, be more compatible with the faith of the Republic, than plighted to them; and my boundary would extend up the Brazos, that being the Indian boundary, as high as the South boundary of that grant will permit; or, if according to the terms of the Act of January 16th, 1843, the Indian boundary be carried twenty-five miles West of the Commanche Peak, up the Palo Pinto, and then run to the mouth of the Rio _____ and with that river to its source, very little of the tract inclu-

ded in the fourth grant, would be lost to the contractors ; and the Indians would have a natural, instead of an imaginary boundary.

Be pleased to bring the subject to the notice of the President, and excuse this new demand upon your attention, from one who is already indebted to you, for the patience with which it has been accorded to me at all times.

I avail myself of this occasion, to assure you of the sincere esteem and respect of

Your Obedient Serv't,
C. F. MERCER.

Doctor A. JONES,
Secretary of State.

[DOCUMENT C.]

BONHAM, FANNIN COUNTY, TEXAS, }
July 11th, 1844. }

To the Honorable

ANSON JONES,
Secretary of State of the
Republic of Texas :

SIR :—

I am instructed by the "Texas Association," under the provisions of the contract provided on the 29th of January last, between his Excellency Sam Houston, President of the Republic of Texas, acting in behalf thereof, and Charles Fenton Mercer, and such associates as he may choose, to transmit to the Secretary of State, or other proper officer of the Government of Texas, a list of the copartners, chosen in pursuance of the above contract, and a statement of the share or shares of each,

in the stock or property of the Association or Company, formed by them; and, also, of the common name or title, assumed by them, or a majority of them, in interest to the said Department; and this statement is required to be repeated, once in every six months.

In pursuance of the above instruction, and obligation, I beg leave to report, that the name or title assumed by a majority, in interest of the share-holders, is, as above stated,—“*The Texas Association* ;” and, that the following persons are the share-holders or copartners of the said Association, and have, therein, the amount of interest set opposite to their respective names, viz: Edward C. Cabell, Attorney at Law, of Tallahassee, in Florida, son of Chief Justic Cabell, late Governor of Virginia, and Richard Birchett, late of Petersburg, Virginia, and now Clerk of the Superior Court of Law and Equity, for the county of Leon, in Florida, are entitled to five shares of the *one hundred*, into which the entire interest, granted by said contract to Charles Fenton Mercer, and such associates as he may choose, has been divided.

John R. Cooke, Attorney at Law, of the city of Richmond in the State of Virginia, is entitled to five shares, or 5-100ths of said interest.

Dr. Daniel Rowlett, of Fannin county, Texas, to 5-100ths or shares, thereof.

Dr. Alfred H. Garnett, and Henry Waring, of Essex county, and State of Virginia, to 5-100ths, or shares of said interest.

Gen. Thomas Brown, and James T. Archer, of the City of Tallahassee, in Florida, to one such share, as aforesaid.

Dr. Wm. R. Hayward, of the City of Tallahassee, in Florida, to one such share.

Robert J. Hayward, of the said City, to one such share.

James T. H. Lorimer, of the said county of Leon, to one, such share.

Joseph Rudesell, of the said City, to one share.

Alfred A. Fisher, of the said City, to one share.

Thomas Duvall, Secretary of the Territory of Florida, to one share.

George T. Ward, of the said county of Leon, to one such share.

Benjamin C. Lewis, of the said city of Tallahassee, to one share.

Messrs. Rafferty & Kindon, of the said City, to one such share.

Henry Livingston Rutgers, of said City, to one such share.

Nathaniel Bemis, of the said City, to one such share.

David C. Wilson, of said City, to one such share.

Robert White, of said City, to one such share; and Charles Fenton Mercer, of said City, to the residue of the 100 shares, into which the entire interest, or stock, of the Association, is divided.

Of these shares, Charles F. Mercer is in treaty for further subscriptions of stock, to the amount, including the above, of fifty of the one hundred shares, aforesaid.

The fifty shares, when disposed of, will provide the sum of twenty-two thousand five hundred dollars, for carrying on the survey, and colonization of the lands, included in the agreement first mentioned, according to the terms thereof.

CHARLES FENTON MERCER,
Chief Agent of the "Texas Association."

[DOCUMENT D.]

Houston, January 17th, 1845.

The Hon. E. ALLEN, Attorney General,
and Acting Secretary of State,
of the Republic of Texas.

Sir :

By a Colonization Contract I had the honor to make, on the 29th of January, 1844, with the late President of Texas, I and my associates, are required to transmit to the Department of State, within six months from the above date, and once in every six months thereafter, until we shall have obtained an act of incorporation, a statement of the common name, or title, assumed by our Association, together with a list of our names, and a statement of the share or shares, of each, in the stock, or property of the Association.

In compliance with the above obligation, I beg leave to en-

close, under cover of this letter, our second semi-annual report, to your Department.

On a comparison of it with our first, forwarded from Bonham, in July last, it will be perceived that our numbers have been, since, much augmented. In the same proportion, adequate funds have been provided, to carry on the operations of the Association: which now comprehends many of the most respected citizens of the United States. It is, also, believed that, since July, the number of emigrant families, on our grant, has been more than doubled; though the ill health of our Surveyor, and Sub Agent, Captain Pillans, has delayed, much, the location of their lands. Being allowed till May, for that purpose, no apprehension is felt, of being unable to fix, permanently, a number of families, in due time, to fulfil our agreement with the Texian Government.

I have the honor to be, Sir,

With high respect,

Your obedient, and

Humble servant,

C. F. MERCER.

Houston, Texas,
January 17th, 1845. }

The second semi-annual report of the "Texas Association," to the Secretary of State of the Republic of Texas, made in conformity to the provisions of an agreement bearing date the 29th of January, 1844, between the Republic of Texas, acting by His Excellency, Sam. Houston, President thereof, —and Charles Fenton Mercer, and such associates as he might choose.

The "Texas Association" is the common name, or title, assumed by the grantee, C. F. Mercer, and his associates, on the 8th of May, 1844, under his contract with the Republic of Texas, of the 29th of January, next preceding: and the annexed list furnishes the names, and opposite to them, the number of shares, of the stock, or property, of the Association—held on the 1st day of the present month, by himself, and his associates, respectively—as also the residence of the share-holders:—

NANES.	ABODE.	WHENCE ORIGINALLY.	NO. OF SHARES.
C. F. Mercer,	Tallahassee, Fa.,	Virginia,	54 1-5 shares.
Dr. Rowlett,	Near Bonham, Texas,	"	5 "
E. C. Cabell,	Tallahassee, Fa.,	"	6 "
Richard Burchitt,	" "	"	3 "
Jno. R. Cooke,	Richmond, Va.,	"	5 "
B. F. Whitner,	Near Tallahassee, Fa.,	South Carolina,	3 "
Rev. N. McBride,	Near Quincy, Fa.,	North Carolina,	5 "
Gen. C. W. Dupont,	At " "	South Carolina,	2 "
James B. Gamble,	At Tallahassee, Fa.	Virginia,	2 "
G. W. Anderson,	Louisville, Ky.,	Kentucky,	1 "
Dr. L. P. Yandell,	" "	Tennessee,	1 "
Dr. A. H. Garnett,	Loretto, Essex Co., Va.,	Virginia,	1 "
Gen. T. Brown,	Tallahassee, Fa.,	"	1 "
N. P. Bemis,	" "	"	1 "
Robert White,	" "	North Carolina,	1 "
Maj. Camp,	Marshal of Fa., Tallahassee.	Virginia,	1 "
Benj. C. Lewis,	Tallahassee, Fa.,	"	1 "
E. G. Booth,	" "	"	1 "
Dr. W. H. Hayward,	" "	Maryland,	1 "
R. S. Hayward,	" "	"	1 "
J. & H. Lorimer,	" "	South Carolina,	1 "
H. L. Rutgers,	" "	New York,	1 "
Thomas Duvall,	" "	Kentucky,	1 "
Jacob Elliott,	Bowling Green, Ky.,	New York,	4-5ths of one.

Total number of Shares, 100.

The preceding list among other shares comprehends forty, which, by agreement with his associates, the original contractor and grantee, C. F. Mercer, bound himself to his associates, severally, by separate written contracts, to sell, for the purpose of raising the necessary funds to defray the expenses of surveyors, and agents.

By their sale he has provided 4,000 dollars, *per annum*, for the five years allowed by his contract to complete the colonization of the lands described therein.

By his several contracts with his associates, he is constituted "*Chief Agent*," (without compensation or salary,) of the "Texas Association," with very ample power to complete its objects, in a manner highly beneficial to the colonists, and to the Republic of Texas.

For this purpose he now makes his third visit to Texas. He has constituted Dr. Daniel Rowlett his sub-agent, with equal power to supply his place in his necessary absence: and in case of his own death or incapacity, is authorized to name his successor in the chief agency of the "Texas Association," and to fix his salary, and prescribe his duties.

Two bodies of surveyors were engaged, to act under the superintendence and instructions of Dr. Rowlett and Capt. P. J. Pillans, in completing the survey then in progress, of the outlines of the lands set apart for colonization, by his contract; and in sectionizing the vacant lands preparatory to the report to be made on the first of May next. On the first of July, there were on the grant, 109 emigrant families.

In testimony of the preceding statements, I have hereunto set my name, as the original grantee, and chief agent of the "Texas Association," on the 17th day of January, eighteen hundred and forty-five.

C. F. MERCER,
Original Grantee, and
Chief Agent of the
"Texas Association."

DOCUMENT E.

*To the Secretary of State
of the Republic of Texas :*

In conformity to the contract of the undersigned with the several associates he has chosen, under his agreement with the Republic of Texas, of the 29th of January, 1844, for colonizing part of the vacant territory of the Republic, he begs leave to make report as follows :

As soon as his agreement, which had been a fortnight in negotiation, had been completed, by the interchange of official copies, duly attested, on the day above mentioned, the contractor, whose name is subscribed, bargained with Maj. P. J. Pillans, a civil engineer by profession, who had been in the service of the Republic, to enter upon the survey of the outlines of the tract of land set apart for colonization ; and, after running and marking the same, to sub-divide such parts of it as were not pre-occupied by valid titles, and were fit for cultivation, into half and quarter sections, of one mile square each, for the reception of colonists. For this purpose he advanced to Major Pillans \$260 00) two hundred and sixty dollars, pursuant to a contract with him of the 30th of January, the day next succeeding the date of his agreement with the Republic. As soon after as practicable, the undersigned made known, in Texas and the United States of America, the existence, conditions and boundaries of his grant ; and on the 3d of February, two days before he left Washington, on the Brazos, he tendered to Doctor Rowlett, for services to be rendered in Texas, a twentieth part of his interest in the said agreement of the 29th of January ; prior to which Doctor Rowlett had no knowledge of the agreement whatever.

The undersigned, on the part of himself and his expected associates, agreed to give Maj. P. J. Pillans, along with his necessary expenses, seven hundred and fifty dollars for his services, in any capacity in which he might be instructed to act, in the fulfilment of the conditions of the contract of January 29th, 1844. Maj. Pillans was to enter upon his trust at Galveston, by the purchase of the necessary instruments for conducting the surveys of the granted lands, and the order of the surveys was prescribed by the terms of the agreement between the undersigned and himself, while the period of service was limited to

15 months, or the 1st day of May, 1845. Maj. Pillans, on his way to the grant, from Galveston, was to learn the extent and nature of the interferences by prior surveys or locations; and to push his field labors with all possible dispatch, on the lands not pre-occupied or located. Having made these preparations for the reception of the emigrants, the undersigned embarked at Galveston, on the 10th of February, 1844, for the United States, and caused printed copies of his contracts with the Republic, to be published along with six hundred hand bills, comprising the terms of colonization. In the first publication of these, he offered but one hundred and sixty acres to each emigrant family. In that of September, at Cincinnati, he offered three hundred and twenty acres, to all the families who might arrive on the grant prior to the 23th of March; and he has recently extended this allowance to the first day of July next, in conformity to the terms published by another company, entitled "The Texas Emigration and Land Company;" the seat of whose operations is in Louisville, Kentucky.

The proceedings of this company, of which the undersigned was a member, had already attracted general attention, by the offer of six hundred and forty acres to every family who might reach their colony by the 1st of July, 1844; and it was not difficult to turn the channel of emigration thus opened to lands as near to the United States, and so defined by natural boundaries, as not to be mistaken. The grant of the undersigned, called for the boundaries of the grant of the former company, as well as for the natural boundaries, which defined its true position on every map of Texas then extant.

Accordingly, by the last of July, 1844, one hundred and nine families had entered, what the late Congress has termed "The Mercer Colony;" and Maj. Pillan's late statement to the Texas Consulate, in New Orleans, in January last, makes the number at that time, two hundred families. The emigrants who compose this number, are exclusively from the United States; and chiefly from Arkansas and Missouri.

In May, 1844, the undersigned secured the co-operation of many chosen associates, and in June, he returned to Texas, by way of Red River, travelling from Fulton, 700 miles, by land, to reach and explore the granted lands, and supply the necessary resources for the successful conduct of the enterprise in which he had engaged. His associates, who made him their chief agent, without any compensation except that of his ac-

tual disbursement, were not to share any part of the expense of the undertaking, prior to October, 1844; in which month, and each succeeding October, for the five following years, they contracted to pay, under the penalty of forfeiture for any default, \$100—being 500 dollars in five annual instalments for each, of forty shares of the one hundred, into which the undersigned distributed his entire interest in the grant and agreement of the 29th of Sanuary, 1844, between himself and the Republic of Texas.

On his arrival in the county of Lamar, he learnt in the vicinity of Paris, and as he approached it, that his contract had been so grossly misrepresented, as to be odious to the people, and a topic of the electioneering canvass for Congress, then begun, and zealously conducted by the rival candidates. It was further intimated to the undersigned by an officer of the Government, that "it had been declared (and he felt it to be his duty to inform the undersigned) that the survey which had been commenced on the 25th of March; 1844, never should proceed; and, that very violent measures were in contemplation to arrest it, if an attempt were made to continue it. Knowing the reports which had led to this state of things were founded in falsehood, and feeling that they reflected more injuriously upon the Government of Texas than on himself, the undersigned was rather stimulated to proceed than deterred by these most extraordinary and groundless threats. He travelled as he had done, on horseback, lodging at night on the open prairie, and by day encountering the hottest sun of July and August, sometimes arrested by sickness, but never disheartened or appalled by the terrors set before him.

The undersigned is required to state his several contracts, and when known to him, those of his sub-agents. His first contract he has already stated, to have followed, but a single day, his agreement of the 29th of January, 1844, with the Republic of Texas; and was with Maj. P. J. Pillans, who considers Bonham, in Fannin county, his place of abode.

The next contract was made by his sub-agent and associate, Doctor Daniel Rowlett, with Mr. Bean, the Clerk of Fannin County Court, and also, a deputy Surveyor of that county; and was for sectionizing the grant, at the rate of *two dollars per mile*, for every mile required to be run and marked.

The third contract for completing the outlines of the grant, was made on the 19th of August, with A. G. Kemball, residing

near Paris, in Lamar county, in which, he was united with a younger brother, living in the same neighborhood. In this, the same price was fixed, for the lines requiring to be run but once; for those, which connecting points, whose bearing from each other was unknown, and therefore, were to be twice run, in order to be permanently marked, *three dollars per mile*, was allowed. This contract was completed to the Brazos, on the 15th of January, or near it, as the undersigned has been informed, by A. G. Kimball, the contractor; who, with his younger brother, was to complete the outlines of the grant, that were needed, to give specific notice of its boundaries, to all persons interested therein.

The boundary from opposite the lower bank of the false Wichita, was comprehended within the lines of the large prior grant, to W. S. Peters, and others. Their Eastern line was, in truth, six miles East of it; and for this reason, Maj. P. J. Pillans deemed it unnecessary to run it, since, unless their contract should be forfeited, the undersigned could hold, or colonize no land East of the prior grant, and consequently, none East of his first line, of fifty miles in length, from Red River.

But, learning in January last, that the Congress of Texas desired all the outlines to be run, the undersigned diligently met their wishes, by sending instructions, and providing adequate means to have the first line of 50 miles run, as soon as he was thus apprised; and this he did without doubting that the Resolution expressing this desire, in make a compliance with it, essential to the duration of the contract of the 29th of January, between the Republic and the undersigned, was *a palpable violation of that contract; and under the Constitution of Texas, absolutely void.*

The residue of the contracts, hitherto made, were made by Dr. Rowlett. The last contract is believed to have been entered into for the purpose of laying off for colonization, by a Surveyor of the name of Patton, part of the lands before mentioned, between the Brazos and the Trinity.

The expenses hitherto attendant on these various operations, and the planting of more than 200 emigrant families on the said lands, have much exceeded the prior estimate of the undersigned—in making which he was assisted by Maj. P. J. Pillans. That gentleman alone, had received from the undersigned, early in March, 1092 dollars; and to A. G. Kimball and his brother, 620 dollars had been paid in January last.

The personal expenses of the Chief Agent, in journeys by sea and land, exceeding 11500 miles, had amounted to but 759 dollars on the 3d day of March, 1845; down to which the account of those disbursements has been carried.

Since then, powder and lead, sufficient to supply one hundred rounds of the very best ammunition, to three hundred rifles, have been forwarded to the Colony, under the care of U. Matthieson, Esq., of Paris, in Lamar county; and have before this, reached their destination. Funds were also remitted by the same conveyance, to the Sub Agent, Doctor Daniel Rowlett, late of the Congress of Texas, for incidental expenses; and larger amounts deposited in the hands of T. E. Lindenberger, & Co., of New Orleans, to meet his drafts, for the payment of the Surveyors engaged in laying off and sectionizing the townships, to be colonized. Indeed, such has been the exertion of the undersigned, that no doubt, exists, on his part, that every condition of his contract will be scrupulously and strictly complied with, in despite of the obstacles thrown in his way, *by interested speculators*, and by the acts of the two Houses of the last Congress, founded on their misrepresentations of the design of the contract, made by the undersigned, with the Republic of Texas, through the action of its late President.

In August last, the undersigned was prompted to enter into a full exposition of all the circumstances, which led to, and accompanied a contract, begun by the 19th of January, 1844, and seven times transcribed, (four times officially,) with the knowledge of more than nine persons, seven of whom held official stations under the eye of the Congress, then in session; not one of whom was, or could have been placed under an injunction of secrecy; and none of whom had any interest, vested or promised, in the contract, at any time before or during its negociation and completion, nor has acquired any since. Referring to his vindication of the contract, in the Northern Standard, printed at Clarkesville, in August last, the undersigned forbears to add any further details to the above statement.

He has omitted to add, that besides the sums before mentioned, more than \$500 had been expended prior to the 4th of March, by the undersigned, on advertisements of his terms of colonization, printing copies of his contract, postages, fees of coun-

sel, discounts on drafts, and miscellaneous items; and Doctor Rowlett is known to have paid out \$300, either by drafts on New Orleans, or otherwise, to Mr. Bean and Mr. Patton.

As a fund for surveyors fees, the sum of \$8, is demandable, of each colonized family; but, as yet, no report has been made, to the undersigned, of the payment of this sum by any of the colonists; who will, prior to the 1st of July, next, receive for it, 160 acres more than the contract of the undersigned, requires him to convey to any one family of emigrants.

In July last, Maj. Pillans was withdrawn from his duties, as surveyor, at his request; and he was directed to visit the several counties, within which, any part of the lands set apart for colonization, were found to lie, in order that he might ascertain, and instruct the surveyors in the field, *not* to survey any valid, prior locations, within the boundaries set forth, in the before mentioned contract. No report, has as yet, been received, by the undersigned, from this gentleman, of the result of his examinations. Overtaken by sickness, at Nacogdoches, he long remained there, incapable of any bodily or mental labor; and apprised the undersigned, as late as the 4th of March last, that his health is not yet perfectly re-established.

While the undersigned is bound, by his contract, and prompted by his inclination, to avoid any interference with rights, antecedent to the date of his contract, he feels it to be equally his duty, to the Republic and to himself, to enforce, legally, those which are guaranteed to him, by that contract; and least of all, will he respect those surveys, or locations, avowedly made, as soon as his contract was known, by a body of hungry speculators, in open defiance of his rights, and of the Proclamation, then in force, of the Commissioner of the General Land Office, in June 1844, made, by order of the President, with a view to the pending negotiations for peace, with the several Indian tribes, on the frontier counties of the Republic. Within those counties, and on that frontier, the Western boundaries, of the lands aforesaid, will be found; and near the centre of the part of those lands, West of the Trinity, was, and is, their favorite hunting grounds; and has, since, been the theatre of their depredations on the colonists. In all doubtful cases, the undersigned will seek, by compro-

mise, to avoid litigation—of which, experience and observation, have taught him the folly.

He repaired to the last Congress, too late in the session to effect some very desirable modifications of his contract, with a view to condense the population on the lands, reserved for colonization, along the Indian frontier; to economise and judiciously apply the wooded lands, to the extension of colonization on the neighboring prairies; and to the application of a fund for clearing out, and otherwise improving the navigation of the Trinity river.

He yet hopes to effect these very important ends, in a manner equally beneficial to the colonists, to the undersigned, and to the Republic of Texas.

The last semi-annual report, stated the names of the copartners of the undersigned, and the terms, in general, of their association with him, under the title of "*The Texas Association.*" Since then, no material change has taken place, in the organization of the association, or the persons it comprehends.

All which, is most respectfully submitted, in compliance with his duty, by

C. F. MERCER,
Original Contractor and Chief Agent
of the "Texas Association."

New Orleans, Louisiana,
March the 31st, 1845.

[DOCUMENT F.]

New Orleans, July 8th 1845.

To the Hon. E. Allen.

Secretary of State, of the
Republic of Texas.

Sir—

In obedience to the obligation imposed on me, by the contract of the 29th of January 1844, between the late President of the Republic of Texas, (acting in behalf thereof,) and myself, and such associates as I might choose, I beg leave to sub-

mit to you, as the organ of communication, pointed out in the said contract, the following semi-annual report—being the third which I have had the honor to make, since the above date.

I remain,
 With great respect,
 Your ob't. serv't.
 C. F. MERCER,
 Original Grantee, and Chief Agent
 of the "Texas Association."

The undersigned, Agent of the "Texas Association," formed in pursuance of the contract of January 29th 1844, between Sam. Houston, President of the Republic of Texas, acting in behalf thereof, and Charles Fenton Mercer, and such associates, as he should, or might, choose, begs leave, in conformity with one of the provisions of the said contract, to report, that the present copartners of the "Texas Association," consist of the following persons, having the shares of stock set opposite to their respective names; the variation from the list, presented by the 2d semi-annual report, bearing date Jan. 1st 1845, having been produced by transfers and forfeitures of stock, resulting from the inability of the first holders to comply with the terms of the contract herewith transmitted, viz. :

NAMES OF THE RESPECTIVE HOLDERS—SHARES HELD AND SUMS PAID FOR THEM.

Shares numbered from 1 to 6, held by E. C. Cabell, who has paid \$600, for 6 shares.

From 7 to 9, held by R. T. Birchett, who has paid \$300, for 3 shares.

From 19 to 20 and 29, held by C. H. Dupont, who has paid \$300, for 3 shares.

From 21 to 23, held by B. F. Whitner, who has paid \$150, for 3 shares; leaving to be paid hereafter \$150.

No 10, held by H. L. Rutgers, who has paid \$100, for 1 share.

No 11, held by Nathaniel Bemis, who has paid \$100, for 1 share.

No 12, held by Wm. R. Hayward, who has paid \$100, for 1 share.

No 13, held by Edwin G. Booth, who has paid \$100, for 1 share.

No 14, held by Thos. Brown and J. T. Archer, who have paid \$100, for 1 share.

No 15, held by B. C. Lewis, who has paid \$100, for 1 share.

No 16, held by A. H. and E. A. Garnett, who have paid \$100, for 1 share.

No 17, held by John G. Camp, who has paid \$100 for 1 share.

No 18, held by P. M. White, assignee of A. A. Fisher, who has paid \$100, for 1 share.

Nos 24, 25, and 26, are reserved for the Rev. J. S. McBride, who has not paid.

No 28, is reserved for J. T. H. Lorimer, who has promised payment, but not paid.

No. 27, is held by T. E. Lindenberger and W. N. Brodie who have paid \$100, for 1 share.

No. 30 is held by G. W. Anderson: who has paid \$100 for 1 share.

No 31, is held by L. P. Yandell, who has paid \$100, for 1 share.

No. 32, 33, 34, 35 and 36, are to be issued to John M. Cooke, when he shall have paid, as promised, \$500 the first instalment due on five shares.

The shares held by other original associates have been forfeited, and four of the forty, subjected to sale, by the contract of the undersigned, with his associates, in order to provide adequate funds for colonization, remain to be disposed of.

In the absence of the funds thus held back, the private fortune of the undersigned has been applied to the payment of the expenses, attending the colonization of the lands set apart for that purpose by the contract of January 1844.

Of the sum of 4,317 75 cents. 2,589 50 has been derived from the "Texas Association," and \$1,728 25 advanced by the undersigned.

As Chief Agent, he accepts no salary from the Association, and in his personal expenses, which are defrayed out of the common fund, he has observed a strict economy.

On the 1st of May, he had, with the assistance of his sub-agents, introduced and settled on the granted lands, appropriated to colonization, 209 families; and 15 awaited a second visit of Dr. Daniel Rowlett to the settled lands, to accompany him, when the whole number will not fall short of 224, all of whom are armed with rifles, and provided at their own cost with amunition. But in compliance with his contract, the undersigned transmitted in March last, 1100 lbs. of amunition to Bonham; having previously written to the General of Brigade, in Fannin county, to recommend for its safety and convenient use, in case of necessity, a secure place of deposit. It is now in Bonham; the most place of perfect security, not too remote from the new settlements.

The outlines of the grant were completed, surveyed and marked (including a line of fifty miles, which it had been deemed unnecessary to run, because entirely within the limits of another grant,) before the middle of March, in compliance with the resolution of the last Congress. to establish the limits of Mercer's Colony. To guard the lands reserved to the Republic from intrusion and waste, and to secure the other public purposes of the contract of January, 1844, the several families colonized have been required to enter into express stipulations; and among these, provision has been made for the erection of school houses, on the lands granted for the promotion of education.

In performance of the various duties of Chief Agent, the undersigned has travelled not less than 14000 miles; 1200 of which has been performed on horseback, at the most inclement seasons; and no pains have been spared to arouse in the United States, the spirit of emigration; and to divert its current from the lands surveyed by the American Government to those of Texas.

Among the Chief inducements to settle on the Public Lands of the United States, has been the preparation made by the General Government for the reception of emigrants, by surveying those lands, and laying them off in townships, sections, and half and quarter sections, to suit the convenience of the first settlers. In imitation of this course, has been that of the "Texas Association;" among the fruits of their labor is the accompanying map of the Upper Trinity, and its tributary streams.

In the prosecution of the labors above mentioned, the Chief Agent, and his Sub-Agents and Surveyors, have encountered an opposition which was, least of all, to be expected, where the undersigned has been credibly informed, that his contract when first announced, as in Robertson county, was hailed with joy. If required, he can supply abundant proof of this fact.

In other parts of the Republic, the origin of his contract, and the circumstances attending its negociation, have been either misconceived, or grossly misrepresented. For the information of the present Government of Texas, he begs leave to accompany this report with a printed copy, a narrative of all those circumstances, which he caused to be published in the "Northern Standard," in August, 1844.

All of which is respectfully submitted by

C. F. MERCER.
Original grantee, and
Chief Agent of the
Texas Association.

New Orleans, June 8th, 1845.

[DOCUMENT G.]

New York, September 25th, 1845.

*To the Honorable
the Secretary of State
of the Republic of Texas:*

Sir:—

My last semi-annual report, as the original grantee and Chief Agent of the "Texas Association" formed under the contract for colonization of the 29th of January, 1844, bore date at New Orleans, the 31st of March, 1845.

Since then, I have again visited Texas, the fourth time, and in a journey of six hundred miles, within the Republic by way of Franklin, Robertson county, and Col. Stroud's settlement,

three miles below the southren boundary of the lands described in that contract, have explored that portion of them, lying west of the Trinity, as I did, in the second visit to the Republic, that lying east of that river.

On my journey, I contracted with Col. Ripley Wheelock, of Wheelock, in the county of Robertson, to act as a sub-agent of the "Texas Association," on the west side of the Trinity; and with Mr. B. Chambers, an experienced surveyor, to survey and sectionize sixteen townships for immediate settlement under Col. Wheelock's agency. Mr. Chambers himself accompanied in my journey, from Franklin to the residence of Col. Smith, Captain of the Rangers on Chamber's creek, a branch of Rich Land. We there learnt, that a determination existed, to arrest the surveys, for colonization on that side of the Trinity, by force, if they were prosecuted after such notice; and that Col. Smith and his neighbor, Mr. Howe, stood pledged with a few other persons to this course of opposition, to the contract of January, 1844. I desired Mr. Chambers, whose contract was signed at Col. Smith's and attested by him, to obtain incontestible evidence of the threatened resistance of the laws of the Republic, and to transmit it to your Department.

I deem it proper, here, to mention before I proceed in this report, that I learnt from Col. Wheelock and Stroud; and from other gentlemen of equal respectability, though less publicly known; that when the above contract was made, the news of its existence was received with joy, by the frontier inhabitants, of Robertson county, as furnishing means of security from the depredations of the Indians on the North East. while the Republic was threatened with a Mexican invasion, on the Western frontier of the Republic.

I also understood from those gentlemen, and others, while I spent twelve days at Franklin, copying the county Map, that the above sentiment, underwent an entire revolution. as soon as peace was made with the Indian tribes, who had refused to treat the preceding Autumn, and on the failure of Mexico, to execute her threats of invasion. From the surveys of the county, I also learnt, that the official communication by the Surveyor General of the lines of my contract; which have natural corners in Robertson and could not be mistaken; had been purposely kept back, by the bearer, or his agent; while a rush

into the lands set apart for colonization, to make private locations; has been manifested by the fact that, with a full knowledge, from the report of the existence of my contract; more than nine hundred surveys were made subsequently to its date.

As no threats had discouraged me from the prosecution of my rights, and those of my associates, the preceding year, and the result had been, the settlement on the granted lands, of more than 220 emigrant families, I made it a point to execute my contract with Mr. Chambers, in the presence of Col. Smith, and to pay him in advance, a sum, for his outfit, which he deemed sufficient; at the same time I assured him (an assurance subsequently realized,) that a sufficient deposit should be made of funds, in the hands of the mercantile firm of T. E. Lindenberger & Co., of New Orleans, to meet all his future demands. A like advance I had made to Col. Wheelock.—My journey was much retarded by high waters, which I had to swim at the hazard of my life, for I never learnt that art, myself, and my poney was a recent purchase, and heavily burdened with myself and baggage. I reached, after being four times lost on the way, the town of Bonham, on the——; and having closed all my subsisting accounts there, to the satisfaction of the claimants, and completed the instructions of my sub-agent, Dr. Daniel Rowlett, as well as made provision for the prosecution of the surveys on the east of the river Trinity; and prepared a map of the grant, from the recent surveys.—I left Bonham on the—— day of June; and Texas, by crossing Red River on the 13th of that month.

From Fort Towson, I proceeded by way of Washington in Arkansas to Little Rock, the Capital of that State; thence to——, on White river, and down that river and the Mississippi to New Orleans, where I arrived on the—— day of——.

I was detained there, by the publication of the map, I herewith transmit; and of the accompanying contracts, and terms of colonization, and providing 1000 copies of them, a fortnight—during which I enlarged the deposits, necessary to meet the drafts of my Sub Agents.

I next proceeded, by way of Louisville and Cincinnati, to St. Louis; and to Alton, above the mouth of the Missouri, by water; and, taking the stage at the latter, I traversed the interior of the States of Illinois and Indiana—visiting their Capi-

tals, and inferior towns, and causing the terms of colonization to be advertized, in eight newspapers, of general circulation. At the public houses, on the road, those terms were set up, in the form of handbills, by the sides of their doors, throughout this journey. In the course of it, I also dispersed copies of the maps and contracts, before mentioned; and, personally, conversed with the editors of the Gazettes, and many new, as well as old, acquaintances—formed during twenty-three years service, in the House of Representatives of the United States—on the subject of those terms, and the circumstances of the country, to which they invited emigration. I particularly sought to gather information, and disperse it, in relation to the best practical mode of settling prairies, remote from woodland; and the substitution of wind, for water mills—which I had heard and found; to be successfully practised in Illinois. I reached Louisville, by way of Madison, in Indiana; and there learning, that the “Texas, Emigration and Land Company,”—of which I ceased to be a copartner, in the preceding autumn—had advertised in Europe, as well as in the United States, an extension, to the 1st of July, 1846, of the grant of a moiety of each section they proposed to colonize. I conformed my terms to theirs—announcing, as will be perceived, that, after that date, but 200 acres would be allowed, to every emigrant family.—The last quantity exceeds, by 40 acres, the requirement of the contract of January, 1844; and its expediency, as the reduction results, in part, from the obvious necessity of economizing the woodland, which, to the early emigrant, would prove more attractive than the prairies, remote from timber for building, fencing and fuel—a prejudice, it has taken much time to overcome, as I found in Illinois and Indiana; for, as to the poor man, it is a prejudice to consider the forest preferable to the prairies. An experienced farmer would rather have a prairie, without wood, than wood with no prairie.

From Louisville, I ascended the Ohio, to the western counties of Virginia, where I had sought, the preceding autumn, to remove objections to a settlement in Texas. There I renewed those efforts, in the large circles of society; gathered at the various watering places, near the Alleghany. I arrived at this place, more especially to accomplish two objects,—to obtain mechanics for the new town of Fenton,—laid off on the east bank of the Trinity; first at eight, now at twenty-eight, miles, below the junction of the *Bois d’Arc*, or East Fork, with the

main river: Dr. Rowlett having preferred a bluff there, to the one previously contemplated, as a site for the commercial *entrepot* of the new Colony. My second object was to open, through German houses in this city, a direct intercourse with their native country; and to facilitate the introduction of emigrants from among a people distinguished, alike, for frugality, as well as industry and perseverance; and who now emigrate with abundant means of promptly providing the comforts, as well as the necessaries of life. For this purpose, I am now in daily correspondence with Mr. Laird, of Switzerland,—the highly respectable President of the “German Emigration Company,” of this city.

I have already stated all the contracts that I have or any of my agents have made since my last semi-annual report, and all that remains for a fulfilment of the conditions of the two contracts, of which, printed copies accompany this report, is to furnish a statement of the expenditures of myself and sub-agents, and a list of my present associates, which varies, by means of recent transfers and some forfeitures from my last.

The total expenditure, so far as it has been ascertained, and except the sum of \$96, due to Mr. Patton or his order, and not called for, it is believed that all is included, amounts with that claim to \$5,235 41; and it appears, from a careful examination, to have arisen under the following heads, viz:

Paid to the Surveyor, including the salary of of Major Pillans,	\$ 2,883 50
For printing and advertising terms of Col- onization, and subscription to Texian newspapers,	241 60
Eleven hundred weight of ammunition, in store at Bonham, and its carriage from New Orleans,	119 25
Postages and stationery for 20 months,	83 54
Commissions to T. E. Lindemberger & Co., and E. Hall, and exchange on drafts,	61 22
For fee of counsel for advice at various times,	50 00
For agency, exclusive of five shares of stock to Dr. Daniel Rowlett, East of the Trinity,	50 00
For loan to Tach, an emigrant received in Florida,	40 00

For interest on advances of money, now exceeding two thousand dollars, and averaging one thousand six hundred dollars for the twenty months last past,	160 00
For a horse and full equipment, left for future use with Judge Trimble, near Washington, Arkansas,	65 00
Expended by the Chief Agent in travelling and all other personal provision and accommodation, including medicines and physicians' bills for twenty months,	1,368 30
Making a total sum of	\$ 5,235 41
From which, deducting \$ 3,050 00, received from the Association,	3,050 00
And the payments in advance, to this date, amount to	\$ 2,185 41
Besides which, a sum to meet future drafts, remains in New Orleans.	

THE PRESENT MEMBERS OF THE TEXAS ASSOCIATION, ARE AS
FOLLOWS :

<i>Names.</i>	<i>Residence.</i>	<i>Shares each.</i>	<i>Sums paid</i>	<i>Sums to be paid hereafter.</i>
1. Edward C. Cabell,	Florida,	6	\$ 600 00	\$ 2,400
2. Richard T. Birchett,	"	3	300 00	1,200
3. Charles N. Dupont,	"	3	300 00	1,200
4. Benjamin F. Whitner,	"	3	150 00	1,351
5. Rev. N. McBride,	"	3		1,500
6. S. T. Bailey,	Georgia,	2	200 00	800
8. A. H. & E. M. Garnett,	Virginia and Florida,	1	200	300
10. Thos. Brown & Jas. T. Archer,	Florida,	1	100	400
12. Wm. R. Hayward & Dr. Randolph,	"	1	100	400
14. E. Lindenberger & W. H. Brodie,	New Orleans,	1	100	400
15. E. G. Booth, late of Florida.	Virginia,	1	100	400
16. H. L. Rutgers,	Florida,	1	100	400
17. N. P. Bemis,	"	1	100	400
18. John G. Camp,	"	1	100	400

THE PRESENT MEMBERS OF THE TEXAS ASSOCIATION :

(Continued.)

50

<i>Names.</i>	<i>Residence.</i>	<i>Shares each.</i>	<i>Sums paid.</i>	<i>Sums to be paid hereafter.</i>
19. W. C. Lewis,	Florida,	1	100	400
20. Lorimer,	"	1	—	500
21. G. Washington Anderson,	Louisville, Ky.,	1	100	400
22. Lansford P. Yandell,	" "	1	100	400
23. Francis Griffen,	Mississippi,	1	200	300
24. James Craig,	Louisville, Ky.,	1	—	500
25. Dr. McCormick, U. S. A.,	Of Gen. Gains' staff,	1	—	500
26. Dr. Daniel Rowlett, sub-agent,	Bonham, Texas,	5	Services rendered and to be rendered.	—
27. C. F. Mercer, original grantee,	New Orleans, for the present,	54 1-5	—	—
28. J. Elliott, by purchase of four-fifth of one share of the grantee's stock.	Bowling Green, Ky.,	0 4 5	Of C. F. Mercer's own stock, or 65 shares reserved.	—

28 Share-holders—95 shares—\$2,950 paid—14,550 to be paid:

Twenty-eight associates holding 95 shares, have paid \$2,950. They owe 550 dollars, and have to pay after discharging that debt, for other instalments on 35 shares. Five shares remain to be disposed of, out of the 40 set apart to defray the expenses of colonization. Four stock-holders have paid nothing yet reported ; though two, the Rev. J. Craig and Dr. McCormick, are supposed to have paid, each \$100 ; and for 100 paid by the former, (as it is supposed,) credit is given in reporting the sum received to be \$3050 instead of the above \$2950.—Messrs. Griffin and the Garnetts have paid their second instalment. To the above resources is to be added the fees of survey charged the emigrant families ; supposing their number to be now 250, at which it is confidently rated, this resource amounts to \$2,000, and is expected to be expended in aid of the remittances for surveys, and agencies, and fees of counsel.

To stimulate the spirit of improvement, the agent is preparing a list of premiums for agricultural and horticultural productions, as well as home manufactures ; and he hopes, at no distant period, to behold the erection of school houses and places of public worship : and the clearing out of the obstructions in the navigation of the Trinity, from Dallas, above his grant, to the Bay of Galveston.

All of which is respectfully submitted.

CHARLES F. MERCER,

Original Grantee, and
Chief Agent of the Texas Association.

[DOCUMENT H.]

TALLAHASSEE, Jan'y. 1st, 1846.

THE SECRETARY OF STATE
OF THE REPUBLIC OF TEXAS,

SIR : —

I have the honor to transmit the enclosed letter and map of part of the lands of the Republic of Texas, set apart for colonization, and to remain,

With great respect,

Your most obedient servant,

CHARLES F. MERCER.

Chief Agent of the Texas Association
of the United States.

GEN. C. F. MERCER'S LETTER.

TALLAHASSEE, FLORIDA,
December 31st, 1845, }

To the HON. SECRETARY OF STATE
OF THE REPUBLIC OF TEXAS,

The undersigned, Agent of the Texas Association, for himself and his associates under the contract between his Excellency Sam Houston, President of the Republic of Texas, and acting in behalf thereof; and himself and "such associates as he might choose," bearing date on the 29th of January, 1844, submits to the Secretary of State, according to a provision of that contract the following statement being the fourth that he has communicated since the above date.

The association, united under the above common name, chosen by them and the undersigned, are at present, as follows; and their respective interests are as herein set forth :

<i>Names of Associates.</i>	<i>Places of Abode.</i>	<i>No. of shares of each.</i>
Edward Carrington Cabell,	Tallahassee, Fa.,	6
Richard T. Birchett,	" "	3
Henry L. Rutgers,	" "	1
Nathaniel P Bemis,	" "	1
William R. Hayward, and J. H. Randolph,	" "	1
Edwin G. Booth, of Nanse- mond county, Va.,	Black & White's P.O.	1
Thomas Brown and James T. Archer.	Tallahassee Fa.,	1
Benjamin C. Lewis,	" "	1
A. H. Garnett, of Loretto, Essex county, Va., and Edgar M. Garnett, of Leon county, Florida.		1
John G. Camp,	Tallahassee, Fa.	1
P. W. White,	Quincy, Fa.,	1
Charles H. Dupont,	" "	3
Benjamin F. Whitner,	Leon, co., Fa.,	3
Samuel T. Bailey,	Macon, Ga.,	2
Asa B. Clark,	Tallahassee, Fa.,	1
T. E. Lindenberger and W. H. Brodie,	New Orleans, La.,	1
J. H. T. Lorimer,	Leon co., Fa.,	1
G. Washington Anderson,	Louisville, Ky.,	1
Lansford P. Yandell,	" "	1
James Craik,	" "	1
Francis Griffin, foot of Island 85,	Mississippi,	1
Robert S. and Richard Hay- ward,	Leon co., Fa.,	1
Jacob Elliott,	Elizabethtown, Ky.,	0 4-5
C. F. Mercer, original gran- tee,	Tallahassee, Fa.,	59 1-5

Forfeited shares unsold, the property of the Association—6.

Total stock of the Association—100 shares.

Of the above shares, certificates have been issued but for 34 shares. No certificates have been issued or sold by the original grantee for his exclusive benefit. On the shares sold at \$500 each, to create a fund to defray the expenses of colonization, all the dues have been paid, except \$400; and that sum is confidently expected by the first day of May, 1846.

The greatest difficulty encountered by the association, has arisen from the impediments to the survey and sub-division of the granted lands set apart for colonization. Funds for this purpose have never been wanted; large deposits in New Orleans have long awaited drafts for surveying. Those impediments will be noticed hereafter, in this report, more particularly. Several of the associates who were among the first to agree to unite with the undersigned in forming the "Texas Association," have found it inconvenient to pay the several instalments required of them by the terms of their association. Their shares have been either not issued, or sold, or retained as forfeited to the association for future use.

The last contract, made by the undersigned with T. Claxton Taylor, a Civil Engineer, and practical Surveyor, recommended in the last annual report of Col. Thomas Blake, Commissioner of the General Land Office of the United States, and now a contractor with the Federal Government for sectionizing the public lands of Louisiana, requires him to be paid to the extent of six thousand dollars, or twelve shares of the stock of the Texas Association, at the rate of two dollars per mile, for every mile necessary to be run and marked, to lay off the lands to be colonized, into townships of six miles square, and sectionize them, in such manner, that every section, half, or quarter section, may be readily found. To the payment of the claims of Mr. Taylor, who is now engaged in the execution of his contract, will be applied, the forfeited and unsold shares. Any deficiency that may remain, will be provided for out of the separate stock of the undersigned. Out of which, will, also, hereafter, be provided the compensation of those Sub Agents who may be engaged, or have been in the service of the Association, for a compensation promised in stock. The undersigned will be repaid by the shares sold.

The substitution of shares of stock, for money, was insisted upon by the last Contractor, Mr. Taylor, against the wishes of the undersigned, who was not desirous to part with his private and separate stock. But, for the Association, it is a desirable,

substitution; since it creates in the Surveyor, engaged for all the surveying, not hitherto contracted for, an obvious and controlling interest in the faithful and diligent discharge of his duty, by ascertaining, when practicable, the limits of all legal locations, prior to the date of the contract of January 29th, 1844, and carefully avoiding any interference with all such locations. It will, also, be his interest, as one of the Texas Association, to perform correctly his labors in the field, and to return accurate maps to the Surveyor's Office, of the sectionized lands, and of the entire tract set apart for colonization by the above contract.

The undersigned being required by his several contracts with his associates, to report, semi-annually, to the Secretary of State, or other proper officer of the Texian government, other particulars, not required of him by the contract of January 29th, 1844, but, yet, such as may be of interest to that government, begs leave to make this report, like his last, subserve both purposes. Accordingly, he proceeds to state:—That prior to May 1st, 1845, by which period he was required, by his contract, with the Republic of Texas, to introduce and settle 100 families, on the lands set apart for colonization, by the contract of January 29th, 1844, "The Texas Association" had introduced and settled more than 200 families, exclusively from the United States. To this date, it is believed, that no foreigner, from Europe, or any person who has ever lived out of the United States, has constituted an *associate*, or a *colonist* of the Association, formed under the last named contract. although contrary has been charged.

Early in May last, Dr. Daniel Rowlett, a Sub-Agent of the Association, had proceeded as far as 119 families, in his census of the Colony, to which the Texas Congress has given, without his co-operation or knowledge, at the time, the name of the undersigned. Dr. R. had also taken notes of hand of that number, for the fees of survey charged the several emigrant families; to each of whom, a certificate of title was contemporaneously issued, in which the date of the arrival of each family in the Colony is correctly stated, and from each family, by another instrument of writing, an obligation was exacted, to protect the lands of the Association, and the reserved alternate sections of the Republic of Texas from waste; to sell no spirituous liquor; to supply no arms or ammunition to the Indians; and to furnish a value of five dollars, in money, materials or labor, for the construction of school houses, whenever

er demanded. In return for these concessions, 320 acres of land was assured to each family, instead of the minimum quantity of 160 acres. It was found that many of the male emigrants, above seventeen years, had more than one rifle; that all were armed; and 1150 lbs. of ammunition had been received by the Sub Agent, from the undersigned, by the way of New Orleans and Red River, and stored in a place of safety, as convenient to the colonists as could well be provided. In fine, that every obligation of the undersigned, and the Texas Association, of which he is the Agent, had been fully fulfilled.

Doctor Rowlett had been compelled, by bad weather, the scarcity of provisions and the very large party which accompanied him, in May, through part of the Colony, to return home, without proceeding further in taking a census of the Colony; but when the undersigned left Texas, on the 13th of June last, Dr. Rowlett was about to renew his efforts to complete it; and reported to the undersigned, that the colonial families, introduced and settled, at that date, amounted to more than two hundred and twenty,

The undersigned confidently believes that this number has been since, extended, by the arrival of other emigrants, to more than twice that number; so as to furnish a well grounded expectation, that, by the end of the ensuing month, when the obligations of the Texas Association, under the contract of January, 1844, require two hundred and fifty families of emigrants, in the Mercer Colony, there will be five hundred families.

Various causes have conspired to promote emigration to the portion of Texas comprehended in the above contract. The undersigned, in the prosecution of his duty, as Chief Agent for the Texas Association, has made seven voyages by sea, travelled more than 8500 miles by land, including journeys of 1300 miles on horseback, through the Colonial lands and near the frontiers of Texas. He has published more than 2000 handbills; had 1100 maps lithographed, of the colonial lands; advertised the terms of emigration in more than twenty newspapers, printed in Arkansas, Missouri, Illinois, Indiana, Virginia, Florida, New York and the District of Columbia; and carried on an extensive correspondence throughout the United States, diligently devoting two years of his life, to the fulfilment of his contract with the Texas government, and his duty, as Chief Agent of the Texas Association.

He has been much aided, in his unceasing labors, by th

Joint Resolution of the two Houses of the Congress of Texas, approved in February 1845 by President Jones, "to establish the limits of the Mercer Colony"—and the knowledge, widely diffused, of the fact, that he had promptly complied with its requirement. He was further assisted by the calumnies against his contract, which he diligently and promptly refuted, in the most public manner, to the satisfaction of all unprejudiced minds. Nor has the ordinance of the last Texas Convention, been inoperative, in promoting emigration to the Colony. In this act of extraordinary legislation, the undersigned has seen nothing to regret, while the assurance which it extends to the colonists, introduced by the Texas Association, and other colonization contractors, of a title to the lands promised by them, to an extent, even beyond the actual engagements of the contractors, should they choose to extend them to twice the promised quantity, could not fail to favor emigration, and was, doubtless, intended for that purpose, by the Convention. The very term, "ordinance," which distinguishes this act of the Convention, from the Constitution which accompanied it, is of ancient origin, in the proceedings of several States, it is believed; as well as of Virginia, and of the Confederation of the United States which preceded the present federal Government. In the usage of the former, however, it has given no other force to the regulations which it embraces, than that of any ordinary act of Legislation, under an organized constitutional government. In the acts of the Confederation, it was applied to a single measure, the one of great magnitude—the ordinance of 1787, relative to the public lands of the United States. Under the Virginia Constitution of 1776, as well as the United States Constitution, of 1789. both governments, have altered, amended or repealed, in whole or in part, the provisions of acts sanctioned by the application of the term "ordinance." But if that of the late Texas Convention, be regarded as of higher dignity, and be deemed incapable of modification or repeal, by a future Legislature, from the acts of which, it is believed to be distinguishable, but by name, except in the suggestion, thrown out by the Convention, in the preamble of the ordinance—that all colonization contracts, made by the President of Texas, are unconstitutional, the Texas Association can discover no just cause of complaint. But, to obviate this, the Convention, in condescending to furnish the foundation of their belief, that all such contracts are unconstitutional, has rendered this statement alto-

gether harmless. For, by a report almost contemporaneous with the ordinance, from the Commissioner of the General Land Office of Texas; as well as by a prior letter of the Texan Minister at the city of Washington, to the Secretary of State of the United States of America, it appears that, subsequent to the date of the very last of those colonization contracts, all of which had been recognized, or publicly noticed, by the Legislature of the Republic of Texas, and were known, therefore, to exist, the quantity of unlocated and unappropriated lands in Texas, exceeds, by many millions of acres, any possible legal claims of the "citizen soldiers," or creditors of the Republic, previous to those contracts, the most extensive of which, had its origin in January 1841. This contract was greatly extended in January 1843, by a special act of the Congress of Texas; which, at the same time, authorized the purchase of the alternate sections, reserved to the Republic, at twelve dollars each. The succeeding Congress revoked the power of the President to make further colonization contracts; but that of January last, notwithstanding this inhibition to the President, granted, to two *foreign* contractors, an *extension* of time, and, to one of them, additional privileges.

But, supposing the soldiers and creditors of the Republic, at the date of the first of those contracts, or afterwards, to have had "previously subsisting claims," to the unlocated and unappropriated lands of Texas, to an extent, much greater than any rational estimate can swell them at present, the Texas Association cannot perceive that any subsisting, or expired law of Texas, gives, or, at any time, gave to them legal priority to the specified grants of the Republic, for colonization, or any other purpose. If those claims interfere with the special grants, subsequently made, for the augmentation of the population and revenue of the Republic, they equally clash with the appropriation of lands, for education, or the sale of lands to private citizens; and with that very assurance of any quantity of land, not exceeding 640 acres, to each emigrant family, introduced and settled by those very contractors, which the ordinance in question has not scrupled to give, limited only by the discretion of the contractors.

And how stands the relative rights of those soldiers and creditors, whom the preamble of the ordinance is solicitous to protect against the claims of the colonization contractors; though not, it seems, against those of colonists themselves?

Those soldiers are scattered over Texas; the creditors over Europe and the United States. They constitute very distinct classes of persons. Their rights to land are not contemporaneous in their origin, not founded upon the same laws, nor of equal dignity. Those of the latter class ceased with the late extra session of the Texan Congress, who repealed the authority previously given to the creditor, to convert his bond, or notes into land scrip; and locate *that* upon the *unappropriated public domain*. If priority in the date of the scrip, or certificates of land claims excludes such as are of subsequent date, then "the citizen soldier" may invalidate the claims of the creditor, or the creditors shut out the subsequently issued certificates of the soldiers. But, in truth, there are in Texas, public lands enough to satisfy the just claims of all; and the ordinance, coupled with that well understood fact, demonstrated by the highest and best authority, renders its preamble harmless; and has undoubtedly, done much to appease the inquietude of the contractors for colonization, under the repeated attacks upon their grants, and to impart security and confidence to the colonists themselves, that they will be permitted to hold and enjoy the lands promised to them, and surveyed for them by those contractors.

The declaratory, which is the operative clause of the ordinance, does not alter, in any respect, the preceding laws of Texas; but conforms not only to them, but to the laws of every State of the American Union; in no one of which, any more than in the country, from whence the far greater part of their civil code is derived, would a fraudulent, illegal, or unconstitutional contract, be regarded as valid.

The Texas Association, well knowing that the contract, under which they act, is neither fraudulent, unconstitutional, nor illegal; and that all its conditions have, so far, been faithfully fulfilled, are proceeding with unabated zeal, to execute it.

Causes less propitious than the acts of Convention, or Congress of Texas, and equally beyond the control of the Association, have, indeed, impeded the settlement of the colony. Of these impediments, timely notice was given to the Executive Department, and its intervention requested for their removal.

The undersigned contracted in May last, with Mr. B. J. Chambers, for the survey of sixteen townships, on the West side of the Trinity river, within the limits of his grant, and ad-

vanced him such sums of money as he required to commence and prosecute his labor in the field, with the assurance of such further supply as he might need. Mr. Chambers was shortly after, deterred from prosecuting this labor, by the declaration of an officer in the service of the Republic, placed on the frontier as a safe-guard from Indian depredations, that he should not proceed; and if he did, in despite of threats, force should be employed to arrest his progress. He was thus obstructed.

Even those surveyors, who had afforded facilities, to the undersigned, especially, and to his sub-agents, for the investigation of interfering and prior legal locations, have since, been deterred from the performance of their duty, to the manifest injury and delay of the surveyors engaged to sectionize the lands reserved for colonization. In the mean time, he has prepared, and caused to be translated into the German language, along with an improved edition of the map of the colony, herewith transmitted, not only the terms of colonization, advertised in the United States Gazettes, but a brief history of the political revolution, so honorable to Texas, with the bill of rights, prefixed to her excellent constitution; and a description of her climate, soil and productions; all of which, is designed to vindicate her moral and physical condition, against gross misconception; and to recommend Texas to emigrants from Germany—a country to which the United States are so greatly indebted for a most valuable class of industrious, persevering, patient and peaceable cultivators of the soil.

A desirable location has been made on the east bank of the Trinity, for a town, to be connected by steamboat navigation, with the chief port of Texas, on the bay of Galveston. Its situation is a few miles below the junction of the eastern branch of the Trinity, called the Bois d'Arc, so as to avail the future navigation of all the water supplied by its chief tributaries. As accessory to the same end, it is proposed to make application, to the first Legislature, which may sit under the new constitution, for permission, on terms mutually beneficial to the colonists and the Republic of Texas, to remove the chief obstructions to the navigation of the river, from the upper border of the colonial grant, to the landing near Fort Houston, to which steamboats have already ascended.

The contract, by which the new surveys of the land within the colonial boundary, are to be paid for in stock of the Association: and the provision for the re-imbursement of this ex-

pense, by moderate fees of survey from the colonists, and for the construction of school houses, will leave to be applied to the improvement of roads, and the reward of successful industry, in agriculture and domestic manufactures, a part of the revenue of the Association, from the sale of forty shares of its stock. It is intended to quicken this application, as the surveys shall go ahead of the growing current of emigration: an event which is hoped, a few months will accomplish. How far the resources of the Association may prove adequate to the above ends, the annexed account of its receipts and disbursements, for the two years, now nearly expended, and of the revenue of that, which will commence on the 30th of next month, will manifest.

Another object will prompt an application, to the Legislature of Texas, for such a modification of the contract of the undersigned, as shall promote the interest of the colonists, without infringing on the limitations of the ordinance of the convention, or the repealing act of Congress, of January 1844.

The above contract provides, in its present form, two sections of those alternately reserved to the Republic for every settlement of one hundred families, to be applied to schools and pious uses. Such sections, according to other provisions of the contract, which limit the operation of the contractors, to the alternate sections only; unless they acquire by purchase they cannot afford, from their present means, the right to settle those sections, reserved to the Republic, will embrace a tract of fifteen miles square, at least. They cannot be less than ten, though all the alternate sections be purchased. If none be bought, a settlement of 100 families will cover, at least 200 sections, and occupy a tract of country 14 miles square. But a school district should not exceed a square of four miles; or, at most, one of six—in order that the younger pupils may not have too far to walk. The survey already made, and those now continued, provide for a distribution of the surveyed territory, into townships, six miles square, and sections of a mile square, or 640 acres; and it is believed, that when the population shall admit of a reduction of each school district, such a space will be regarded as much too large for a single school.

It will be the pride, as it will equally be the duty and the interest of the Texas Association, to render the colony which they are planting, the most prosperous portion of the young and vigorous commonwealth, of which it constitutes a part,

and of their success in accomplishing this end, they have no doubt, if they be not unlawfully obstructed.

Respectfully submitted,

C. F. MERCER,
Original grantee, and
Chief Agent of the
Texas Association.

The subjoined account, between the "Texas Association," and C. F. Mercer, the Chief Agent, exhibits the disbursements and receipts of the Agent, from the date of his original contract, to the 31st of December, 1845.

From		
Jan. 29th,	Paid to Surveyors' and Sub-Agents,	
1844;	down to the 23d Nov. last, the date	
to	of the departure of the Agent from	
Dec. 31st,	New Orleans, since which, further	
1845.	drafts may have been received there	
	from the Sub-Agents, Dr. Daniel	
	Rowlett, or Col. Wheelock,	\$2977 50

Paid to printers and engravers, for subscription to newspapers in Texas; 500 certificates of title, 500 notes of hand, 2000 hand bills, 1150 lithographed maps of the colonial grant, 500 copies of the contracts of the original grantee with the Republic of Texas, and his subsequent contract with his copartners of the Texas Association, and one hundred and fifty certificates of stock, on extra folio paper; 500 copies of a pamphlet in German, including a political history of Texas, a statement of its present condition, the bill of rights prefixed to its new constitution; an account of its climate, soil and productions, and the terms of colonization offered by the Association, together with the publication of their terms, and the late ordinance of the Texas Convention, eight times in each of

	20 newspapers of Florida, Arkansas, Missouri, Illinois, Indiana, Ohio, Virginia, New York and the District of Columbia,	\$403 35
1844-'45	Paid for postage, stationery, commissions, exchange, endorsements, expresses, &c.	\$269 42
	For a horse and equipments, left at Columbus, near Washington in Arkansas,	69 30
Feb. 1845.	Fee to counsel in Texas,	50 00
May, 1844.	Loan to an emigrant from Tallahassee, secured by note,	40 00
March, 1845.	For 1150 lbs. of amunition, stored in Bonham, for Colony,	125 50
Dec. 31st.	For the expenses of the Chief Agent properly chargeable, under his contract with his co-partners, to the Association, during 23 months; from 29th January, 1844:	1591 26
	Add interest on the advances of the Agent out of his private fortune averaging \$2000 for 1 1-2 years at 6 per cent,	180 00
	Total disbursements,	\$5,706 33
	Received first instalment upon 34 shares,	3405
	Received second instalment upon 30 shares,	3000
	Total receipts supposing the Ky. and Miss. stock holders to have paid up, } \$6405,	
	Due on 4 shares for the second instalment,	400
	Due on 1 share by contract for the 3d instalment,	100
	Total sum to be relied on,	\$6,905 00
	Balance on hand or shortly to be collected, after reimbursing all advances	

of the Chief Agent,	1,198 67
To be sold, six shares, on which 2 instalments will be due,	1,200 00
Third instalment on 39 shares due in October, 1846,	3,900 00
Fees of survey due from 500 families at \$8 each,	4000 00
Total resources for 1846 and to October, 1847,	\$10,398 67
C. F. MERCER.	

[DOCUMENT I.]

The Hon. Secretary of State, of Texas :

Sir :

In compliance with the terms of my contract of the 29th of January, 1844, with the Republic of Texas, I beg leave to enclose a correct list of the members of the Texas Association which that contract authorized me to form. The title of the Association has undergone no change, since my first semi-annual report; though by forfeitures and transfers of stock, the members of the Associates have undergone many changes; as a comparison of my reports, of which this is the seventh in number, will manifest.

I have the honor to be,
very respectfully,
your ob't. serv't.

C. F. MERCER,

Original Grantee, and
Chief Agent, of the
"Texas Association."

New Orleans, Louisiana,
February 1st. 1847.

Name of Associates	No. of Shares	Place of Abode.
1 Edward Carrington Cabell	6	Tallahassee Florida.
2 Richard T. Birchett	3	" "
3 Henry L. Rutgers	1	" "
4 N. P. Bemis	1	" "
5 Wm. H. Hayward &		
6 James H. Randolph	1	" "
7 Thomas Brown &		
8 James T. Archer	1	" "
9 Benjamin C. Lewis	1	" "
10 John G. Camp	1	" "
11 Asa B. Clark	1	" "
12 Robt. S. Hayward &		
13 Richard Hayward	1	" "
14 Benj. T. Allen &		
15 Edward Houston	1	" "
16 Pleasant W. White	1	Quincy "
17 Charles H. Dupont	3	" "
18 Benj. F. Whitner	3	Leon county "
19 Thos. E. Lindenberger &		Tallahassee "
20 Wm. H. Brodie	1	St. Marks "
21 Geo. W. Anderson	1	Louisville Kentucky
22 James Craik	1	" "
23 Henry C. Hart	1	Paris "
24 Edward H. Taylor	1	Frankfort "
25 Lansford P. Yandell	1	Louisville "
26 Francis Griffin	1	Foot o. Island 85 Mis.
27 Sam. T. Bailey	2	Macon Georgia
28 James H. Stark	1	Butts County "
29 Jacob Martin	1	Pike County "
30 Edward G. Booth	1	Black & White's P. O., Newtown co. Va
31 Alfred H. Garnett &	1	Loretto p. o. Essex co "
32 Edgar M. Garnett		Leon County Florida
33 Jacob Elliott	4-5	Elisabethtown Ky.
34 Geo. W. Bartlett	1-5	Tallahassee Florida
35 Thos. C. Taylor	2	Batton Rouge, La.
36 James H. T. Lorimer	1	Leon Co. Florida
Charles Fenton Mercer	58	Tallahassee "
Total		100

The preceding is a correct list of the members of the Association, and was so in August last, except with the exception of the name and interest of Thomas Claxton Taylor, which he acquired in January last.

C. F. MERCER,
Original Grantee and
Chief Agent of the
Texas Association.

New Orleans Louisiana,
February 1st. 1847.

On motion of Mr. Burroughs,

The communication was laid on the table.

On motion of Mr. Keenan,

The communication was taken from the table, and referred to the Committee on Public Lands.

The report of a Select Committee, on a bill to be entitled an Act to establish a registry of brands for neat cattle, and to regulate the branding thereof :

Read and adopted.

A bill to be entitled An Act to amend the 1st, 3d and 7th sections of an Act to define the time of holding the Courts in the several Judicial Districts of the State of Texas; passed, May 11th, 1846 :

On motion of Mr. Henderson,

Read by its caption a third time and passed.

A Resolution calling on the Adjutant General for certain information.

Read, and

On motion of Mr. Henderson,

Laid on the table.

A bill to be entitled An Act to encourage the destruction of Wolves, Panthers and Wild-Cats.

Read a second time, and
On motion of Mr. Henderson,
Laid on the table.

The report of the Judiciary Committee, to whom had been referred a bill to be entitled An Act to amend the 4th section of an Act regulating Juries : passed, May 4th, 1846 ; recommending a substitute for said bill ;

A bill to be entitled An Act to amend the 43d section of an Act punishing crimes and misdemeanors : also,

A bill to be entitled An Act to amend the 17th and 19th sections of an Act regulating Juries.

Report adopted, and the bills ordered to be engrossed.

Mr. McCown moved to adjourn, until 10 o'clock to-morrow morning.

Lost.

Mr. Henderson moved to adjourn, until 3 o'clock P. M., to-morrow.

Lost.

The report of the Judiciary Committee proposing amendments to An Act to provide for the revising of the statute laws of the State of Texas.

Read, amendments adopted, and
On motion of Mr. Cunningham,
Bill ordered to be engrossed.

The report of the Judiciary Committee on a memorial of the Trustees of Marshall University, proposing a bill to be entitled An Act to amend the 17th section of an Act entitled an Act to incorporate the Marshall University ; approved, 18th January, 1842.

Read a first time.

Mr. Lyons moved the House adjourn, until 3 o'clock, P. M.
Lost.

A bill to be entitled An Act for the regulation of Pilots at the mouth of the Brazos River.

Read a second time, and

On motion of Mr. Pease,

Ordered to be engrossed.

A bill to be entitled An Act to incorporate the Medical and Surgical Society of the State of Texas.

Read a second time.

Mr. Henderson moved to insert the names of A. Ewing and B. F. Townsend.

Carried.

Mr. Bourland moved to insert in the 1st section after the name of "Hoxey," "Wm. T. F. Coles."

Carried.

Mr. Stout moved to insert the names of George Gordon, Gilbert S. Wooten, E. S. Look, R. J. Walker, T. F. Titus, M. Cornelius and John Ware.

Carried.

Mr. Rayner (at Mr. Robertson's request) moved to strike out the name of J. B. Robertson.

Carried.

Mr. Eddy moved to add the name of William Saybold of Newton county.

Carried.

Mr. Reagan moved to add the name of Berias Graham, in the 10th section.

Carried.

Mr. Moseley moved to add the names of J. M. Glasscock, J. C. Durham, J. M. Ball, Samuel Pettus, J. M. Baker and Daniel Lee.

Mr. Rayner offered the following motion :

The Democrats have had the floor,

And had a merry dance :

So let's adjourn till ten o'clock,

To give the Whigs a chance.

Unanimously adopted.

The Chair then announced the House adjourned, until 10 o'clock to-morrow morning, in accordance with the above motion.

House of Representatives,
Austin, February 24th, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names :

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Bryan, Carothers, Crump, Cunningham, Davis, of L., Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lott, Lyons, Miller of H., McCown, Pease, Perry, Rains, Rayner, Reagan, Railey, Runnels, Saddler, Shannon, Shaw, Sterne, Stout, Stoddard, Stuart of Galveston, Taylor, Truit, Webb, Walling and Willie.

A quorum being present,

The Journal of the preceding day was read and adopted.

On motion of Mr. McCown, Mr. White was excused from attendance on the House, in consequence of sickness.

Mr. Pease, chairman of the Judiciary committee, made the following report :

“The committee on the Judiciary, to whom was referred a bill to be entitled an act relative to especial Judges of the Supreme Court, have had the same under consideration, and ask leave to report the accompanying joint resolution, and recommend that it be adopted as a substitute.

Read and received, to come up in order.

Mr. Reagan, chairman of the committee on Public Lands, reported :

The committee on Public Lands, to whom was referred a

bill to be entitled an act for the protection of certain land titles, have had the same under consideration, and have instructed me to report, that the consideration of the bill would more appropriately come before the Judiciary committee. Your committee have instructed me, therefore, to report the bill back to the House, and recommend its reference to that committee.

Read and received, to come up in order.

Mr. Bryan, chairman of the committee on Engrossed Bills, reported that they have examined:—

A joint resolution for the relief of Lewis Thunar; Also,

A bill to be entitled an act, supplementary to an act, to provide for the enumeration of the inhabitants of the State of Texas, approved April 11th, 1846; Also,

A joint resolution appropriating \$100 for the purpose of procuring a map for Shelby county; Also,

A bill to be entitled an act for the establishment of free Public Schools, and find the same correctly engrossed.

Read and accepted.

Mr. Willie, chairman of the Select Committee, reported:

The Select committee, to whom was referred the joint resolution relative to the establishment of a line of military posts from Fort Washita to Passo del Norte; And also,

A joint resolution proposing to cede to the United States, jurisdiction over a portion of the territory of the State, for the purpose of enabling the General Government to regulate intercourse with the Indian tribes inhabiting said territory, respectfully report, that the subjects embraced in the joint resolutions are of vital interest, and demand the early and serious consideration of the Legislature. Your committee acknowledge that the questions involved are embarrassing, and with great diffidence submit their views: While it is of the highest importance that some means should be adopted by which protection can be afforded to our exposed frontier, great doubts

may reasonably be entertained as to the wisest policy to be pursued by the State in relation to the disposition of her public domain. A vast extent of territory lying north of the proposed line of military posts, is, to Texas, so far as its intrinsic value is concerned, of small consequence; being so situated as to be beyond her control for any useful purpose. To the General Government, the control of this territory may be important, in order to enable her to carry out her policy in regulating intercourse with the Indian tribes, while this territory, however; is intrinsically of small value to the State, she is deeply interested in retaining her jurisdiction over it, should a new State ever be established, which we have every reason to suppose will at some future day take place, under the joint resolution annexing Texas to the Union. The right is reserved to the State to consent or object to the formation of new States from her territory, and this right she ought never to yield, whatever may be the compensation offered; for in the formation of such a new State, there may be principles involved which cannot yield to any consideration of a pecuniary nature; any sale which may hereafter be effected, should be with an express reservation, that Texas will assert her right to give or withhold her consent as secured under the terms of annexation. In order that the General Government may have every facility which is within the power of the State to afford, to enable it successfully to control the Indians within our limits, and to relieve the State itself from the burthen and expense of this undertaking. Your committee are of opinion that jurisdiction should be vested in the United States beyond a certain line, to exercise whatever control she may deem necessary, in order to effect this object. The line designated in the resolution, from the Passo del Norte to Fort Washita, is perhaps the most proper boundary that can be fixed between the frontier settlers and the Indians. If the General Government desires to purchase this territory, your committee can perceive no objection to the sale of it: Provided. That the State receives a just compensation, and is secured in the rights guaranteed to her under the articles of annexation. In order to effect the important object contemplated by the two resolutions referred to them, the committee instruct me to report the accompanying joint resolution as a substitute, and ask for the favorable consideration of the House.

Read, and received, to come up in its order.

Mr. Reagan, chairman of the committee on Public Lands, reported:

The committee on Public Lands, to whom was referred the petition and bill for the relief of Michael Short, the undersigned committee now report them back to the House, and recommend the passage of the bill.

Read and received, to come up in order.

Mr. Eddy introduced a joint resolution instructing our Senators and requesting our Representatives in Congress, to lend their efforts to have a bill passed to extend the jurisdiction of Texas over one-half of the waters of Sabine Pass, Lake and River.

Read a first time.

Mr. Allen introduced a bill to be entitled an act, the better to define the boundaries of the county of Guadalupe.

Read a first time.

Mr. Stuart, of Galveston, moved to take from the table, and place among the orders of the day, "A bill to be entitled an act appointing a Fiscal Agent, for the better security of the revenue.

Carried.

On motion of Mr. Robertson, the orders of the day were taken up:

A bill to be entitled an act authorizing Charles Covington and his associates to establish a Ferry across the river Yegua, and construct a causeway across the bottom lands thereof.

Read a third time and passed, by the following vote:

Yeas—Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Carothers, Crump, Crutcher, Davis of L., Davis of R., DeCordova, Dooley, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Lewis, Lott, Lyons, Miller of C., Mosely, McNeill, Neal, Perry, Potter, Rayner, Reagan, Robertson, Railey, Runnels, Saddler, Shannon, Shaw, Stout, Sterne, Stuart of Galveston, Stewart of Gonzales, Taylor, Truit, Webb, Walling, Winkler and Willie—47.

Nays—Mr. Rains—1.

A bill to be entitled an act to provide for enclosing cotton gins.

Read third time and passed.

A bill to be entitled an act to create the county of Caldwell, with a substitute from the Senate.

Read, and substitute adopted by the following vote:

Yeas—Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Carothers, Crutcher, Crump, Cunningham, Davis of L., Davis of R., DeCordova, Dooley, Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Lewis, Lott, Lyons, Miller, of C., Miller of H., Mosely, McCown, McNeill, Neal, Perry, Potter, Rains, Rayner, Reagan, Railey, Shannon, Shaw, Stout, Stoddard, Stuart of Galveston, Stewart of Gonzales, Taylor, Truit, Walling, Winkler, Wheeler and Willie—48.

Nays—Messrs. Robertson, Runnels and Saddler—3.

Mr. Bryan, chairman of the committee on Engrossed Bills, reported that they had examined the bill to be entitled an act better defining the marital rights of parties, and find the same correctly engrossed.

Read, and report accepted.

A bill to be entitled an act, to establish the Judicial Districts of the District Court.

Read a third time and passed, by the following vote:

Yeas—Messrs. Speaker, Allen, Armstrong, Bourland, Bryan, Carothers, Cunningham, Davis of L., Dooley, DeCordova, Edwards, Epperson, Gilliam, Goode, Haynie, Lewis, Lyons, Mosely, McCown, McNeill, Neal, Pease, Potter, Rains, Rayner, Reagan, Robertson, Railey, Runnels, Shannon, Stoddard, Stuart of Galveston, Stewart of Gonzales, Taylor, Truit, Winkler and Wheeler—37.

Nays—Messrs. Bogart, Burroughs, Crump, Crutcher, Davis of R., Fields, Hardeman, Lott, Miller of Colorado, Miller

of Houston, Perry, Saddler, Shaw, Sterne, Stout, Webb, Walling and Willie—18.

A bill to be entitled an act, to amend an act, entitled an act, to regulate proceedings in the District Courts; approved 13th May, A. D. 1846.

Read a third time and passed.

A bill to be entitled an act, to establish the method of trying the right of property levied on under writs of execution, sequestration and attachment, where the same is claimed by a person who is not a party to such writ.

Read a third time and passed.

A joint resolution authorizing the Comptroller of Public Accounts to transfer to S. L. Johnson, an Austin city lot.

Read a third time and passed.

A bill to be entitled an act, to amend the first section of an act, supplementary to an act, regulating the sale of runaway slaves; approved January 5th, 1841.

Read a third time and passed.

Joint resolution for the relief of James Cole, assignee of R. H. Potter.

Read a third time and rejected by the following vote :

Yeas—Messrs. Bourland, Crutcher, Davis of R., Dooley, DeCordova, Epperson, Fields, Goode, Lewis, Lott, Mosely, McCown, McNeill, Robertson, Shaw, Sterne, Stoddard, Stuart of Galveston, Truit, Winkler and Willie—22.

Nays—Messrs. Speaker, Bogart, Burroughs, Bryan, Carothers, Cunningham, Eddy, Edwards, Gilliam, Hardeman, Lyons, Miller of H., Neal, Pease, Potter, Rains, Rayner, Reagan, Runnels, Saddler, Shannon, Stout, Stewart of Gonzales, Taylor, Webb, Walling and Wheeler—27.

A Bill to be entitled an act, to incorporate the Galveston Steam Ferry, Freight and Tow-boat Company.

Read a third time and passed, by the following vote :

Yeas—Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Bryan, Crump, Crutcher, Davis of L., Dooley, DeCordova, Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lewis, Lott, Lyons, Miller of H.,

Mosely, McNeill, Neal, Potter, Rayner, Reagan, Robertson, Shaw, Stout, Stoddard, Stuart of Galveston, Stewart of Gonzales, Truit, Webb, Walling, Winkler Wheeler and Willie—42.

Nays—messrs. Burroughs, Miller of C., Pease, Perry, Rains, Saddler and Taylor—7.

Mr. Robertson in the Chair.

A bill to be entitled an act regulating sequestrations.

Read a third time and passed.

A bill to be entitled an act regulating marks and brands.

Read a third time.

Mr. Mosely moved to suspend the rule preventing bills to be amended on their third reading.

Lost.

Question on the final passage taken, and

Carried.

A bill to be entitled an act authorizing the holders of unlocated balances of certificates, in certain cases, to locate them.

Read a third time, and passed by the following vote:

Yeas—Messrs. Speaker, Allen, Bogart, Dooley, DeCordova, Eddy, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Lewis, Mosely, McCown, Neal, Perry, Potter, Rayner, Reagan, Shannon, Stout, Truit, Walling and Winkler—25.

Nays—Messrs. Armstrong, Bourland, Burroughs, Bryan, Caruthers, Crutcher, Cunningham, Davis of L., Keenan, Lott, Lyons, Miller of C., Miller of H., McNeill, Pease, Rains, Robertson, Saddler, Shaw, Stuart of Galveston, Webb and Willie—22.

A bill to provide for the organization of new counties.

Read a third time and passed.

Joint Resolution for the relief of Theodore J Maltby, who was disabled for life in the service of the country.

Read a third time and passed.

A bill to be entitled an act for the relief of Isaac Delany.

Read a third time, and passed.

A bill to be entitled an act to incorporate Cass Academy.

Read a third time and passed.

Joint Resolution for the relief of the heirs of R. G. Hall, dec'd.

Read a third time and passed.

A bill to be entitled an act, making additional donations of land for the purposes of education.

Read a third time and passed, by the following vote:

Yeas—Messrs. Bogart, Bourland, Bryan, Caruthers, Crump, Crutcher, Davis of L., Davis of R., Dooley, DeCordova, Eddy, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lewis, Lott, Lyons, Mosely, McCown, McNeill, Neal, Potter, Rains, Reagan, Robertson, Saddler, Shannon, Shaw, Stout, Stuart of Galveston, Stewart of Gonzales, Taylor, Truitt, Walling, Winkler and Wheeler—40.

Nays—Messrs. Speaker, Allen, Armstrong, Cunningham, Edwards, Miller of C., Miller of H., Perry, Pease, Raynor and Willie—11.

A bill to be entitled an act to prevent burning the woods and prairies. Read a third time and passed.

By leave, Mr. Neal introduced the following Resolution:

Resolved, That in explaining the reasons of his vote, any member may speak two days, but shall have the privilege of hearing his speech read by its caption, and published at his own expense.

Read and adopted.

A bill to be entitled an act regulating ferries.

Read a third time and passed.

Mr. Gilliam moved that the House adjourn until 3 o'clock, p. m.

Lost.

A bill to be entitled an act for the relief of persons who have paid government dues on field notes, which were subsequently withdrawn.

Read a third time and passed:

A bill to be entitled an act apportioning the representation among the several counties of the State.

On motion of Mr. Epperson,

Made the special order of the day for to-morrow.

Joint resolution authorizing the transfer of one-half of an Austin city lot, on certain conditions.

Read a third time and passed.

Joint resolution for the relief of J. H. Catlin,

Read a third time and passed.

A bill to be entitled an act for the relief of Jesse H. Cartwright.

Read a third time and passed.

A bill from the Senate, to be entitled an act to amend the 2d section of an act for the incorporation of the town of Paris, the

county seat of Lamar county, approved Feb. 3d, 1845; was

On motion of Mr. Keenan,

Read by its caption a third time, and passed.

A resolution of the House, fixing the time for the election of a Commissioner of the General Land Office, with an amendment from the Senate, fixing the time to Monday 28th, at 12 o'clock, m.

Amendment read.

Mr. Allen moved that a call of the House be made.

Lost.

On motion of Mr. Reagan,

The amendment was concurred in.

On motion of Mr. Runnels,

The House adjourned till 3 o'clock, p. m.

3 o'clock, p. m.

The House met pursuant to adjournment.

The roll was called,

And a quorum being present,

The House proceeded to business.

A bill to be entitled an act to allow offsets, in certain cases, with amendments from the Senate.

Read and concurred in.

A bill from the Senate to be entitled an act to establish the University of Eastern Texas.

Read a first time.

A bill to be entitled an act regulating estrays.

Read.

Mr. Davis of R., moved its engrossment.

Mr. Bogart moved its reference to the committee on the Judiciary.

The question on the engrossment was taken, and

Carried.

Mr. Stout in the Chair.

A bill to be entitled an act to secure the rights of the colonists in Fisher and Miller's colony.

Read.

Mr. Allen moved its engrossment.

On motion of Mr. Henderson,

It was made the special order of the day for Tuesday next.

Mr. Caruthers moved a reconsideration of the vote rejecting a bill refunding to persons the amount of government dues paid on field notes subsequently withdrawn.

Carried.

A bill to be entitled an act defining certain crimes, and fixing the penalty thereto.

Read a second time.

On motion of Mr. McNeill,

It was referred to the Judiciary committee.

A bill to be entitled an act for the relief of Joseph G. Shephard, late Sheriff of Montgomery country, was

On motion of Mr. McNeill,

Read a second time by caption, and

Referred to the committee on Finance.

A bill to be entitled an act to extend the time to all resident citizens who have settled under the provisions of an act, granting to settlers on vacant public domain, pre-emption privileges.

Read.

On motion of Mr. Lott,

Laid on the table.

A bill to be entitled an act to legalize certain head-right certificates issued by George W. Miles, formerly Chief Justice of Liberty county; was

On motion of Mr. Henderson,

Read by caption a second time, and referred to the Judiciary committee.

Joint resolution for the relief of H. M. Smith,

Mr. Crutcher moved its engrossment.

On motion of Mr. Neal,

A call of the House was ordered:

Quorum present.

On motion of Mr. Rayner,

Mr. Stoddard was excused from the call on account of sickness.

On motion of Mr. Robertson,

Mr. Miller was excused on account of sickness.

On motion of Mr. Crutcher,

A further call of the House was suspended.

Question on the engrossment of the bill under considtion, was then taken, and

Carried.

A bill to be entitled an act to regulate the descent and distribution of intestate estates.

Read a second time.

Mr. Cunningham moved that it be made the special order of the day for Monday next.

Motion lost.

Mr. Webb moved that it be set for Thursday.

Motion lost.

On motion of Mr. Potter,

It was made the special order of the day for Saturday next.

Joint resolution relative to temporary boundary lines between the white settlements and Indian tribes in Texas, and to the protection of the frontier; reported by the committee on Military affairs

Read, and

On motion of Mr. DeCordova,

Ordered to be engrossed.

Report of the committee on contingent expenses on a resolution instructing said committee to inquire into the expenses incurred in taking care of John Frederick,

Mr. Haynie moved to strike out \$50 as reported in favor of Dr. Elgin, and insert \$150, and in the case of Dr. Horn, strike out \$15 and insert \$30.

Lost.

Mr. Gilliam offered the following amendment:

"Charge the same *pro rata* to the members of the House of Representatives."

Adopted.

Mr. Reagan moved to amend as follows:

"To be paid by those who vote for it."

On motion of Mr. Carothers,

Referred to the committee on claims and accounts.

Bill for the relief of David G. Burnett,

With report of the committee on Finance.

Mr. McNeill, moved the adoption of the report.

Carried.

Mr. Bryan moved a reconsideration of the vote.

Lost.

A bill to be entitled an act to give to each county in this State its map and records, with a report of the committee on Public lands thereon, suggesting amendments.

Were taken up, read and adopted.

Mr. Lewis offered a substitute for the bill and amendments.

Read.

Mr. McNeill moved to refer it to a select committee.

Motion carried.

Mr. Stuart of Galveston, moved to, reconsider the vote just taken.

Motion carried.

Mr. Bourland moved to adjourn till to-morrow morning, 10 o'clock.

Motion lost.

Mr. Davis of R., moved to adjourn until to-morrow, 10 o'clock, a. m. Lost.

Question again taken on the reference of the bill to the select committee, and was lost by the following vote:

Yeas—Messrs. Bryan, Carothers, Davis of L., DeCordova, Eddy, Lewis, Lyons, Miller of C., McNeill, Pease, Potter, Rains, Robertson, Stewart of Gonzales, Webb and Wille—16.

Nays—Messrs. Speaker, Armstrong, Bogart, Bourland, Crutcher, Cunningham, Davis of R., Dooley, Eddy, Edwards; Epperson, Fields, Gilliam, Goode, Hardiman, Haynie, Lott, Miller of H., Mosely; McCown, Neal, Perry, Rayner, Reagan, Runnels, Saddler, Shannon, Shaw, Sterne, Stout, Stuart of Galveston, Taylor, Truit, Walling and Winkler—34.

Mr. McCown moved to adjourn until to-morrow morning, 9 o'clock.

Motion lost.

Question on the adoption of the substitute, was then taken, and Lost

Mr. Potter in the Chair.

Mr. Robertson moved to adjourn till to-morrow morning, 10 o'clock.

Motion lost.

Mr. Mosely moved that the original bill be read by caption;
Which was lost.

Mr. Mosely moved to adjourn till to-morrow morning 10 o'clock.

Motion lost.

Mr. Bogart moved to adjourn till to-morrow morning, 9 o'clock.

Motion lost.

Question on the engrossment was then taken, and carried by the following vote:

Yeas—Messrs. Speaker, Armstrong, Bogart, Robertson, Carothers, Cunningham, Davis of R., Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Lott, Lyons, Miller of C., Miller of H., Mosely, McCown, McNeil, Neal, Perry, Rayner, Reagan, Runnels, Saddler, Shannon, Sterne, Stout, Stuart of Galveston, Taylor, Truit, Walling and Winkler—34.

Nays—Messrs. Bryan, Crutcher, Davis of L., Eddy, Lewis, Pease, Potter, Rains, Robertson and Willie—10.

Question on the adjournment till to-morrow morning 10 o'clock, was then taken, and

Carried.

House of Representatives,
Austin, Feb. 25th, 1848.

The House met pursuant to adjournment,

The roll was called, and

The following members answered to their names:

Messrs. Speaker, Allen, Armstrong, Bogart, Bryan, Crump, Crutcher, Cunningham, Davis of L., Davis of R., DeCordova, Dooley, Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardiman, Haynie, Keenan, Lewis, Lott, Lyons, Miller of C., Miller of H., Mosely, McCown, Neal, Perry, Potter, Rains, Reagan, Robertson, Railey, Runnels, Shaw, Shannon, Sterne, Stout, Stoddard, Stuart of Galveston, Taylor, Truit, Webb, Walling, Wheeler, Winkler and Willie.

A quorum being present,

The Journal of the preceding day was read and adopted.

Mr. Lott presented the petition of Nancy Flournoy;
Referred to the Judiciary committee without reading.

Mr. Potter presented the petition of Henry Austin.

Read, and referred to the committee on State affairs.

Mr. Allen, Chairman of the committee on State Affairs, reported:

The committee on State affairs, to whom was referred a joint resolution providing against the organization of a separate Government by the authority of the United States, within the limits of the State of Texas, have had the same under consideration, and a majority of said committee have instructed me to report it back to the House, and recommend its passage.

Read and received to come up in order.

Mr. Reagan, chairman of the committee on public lands, to whom was referred the petition of E. B. Cogswell, have had the same under consideration, and have instructed me to report the accompanying joint resolution, and to recommend its passage.

Read and received, to come up in order.

Mr. Reagan, chairman of the committee on Public Lands, reported:

The committee on public lands, to whom was referred a bill to be entitled an act for the benefit of owners of conditional headright certificates for lands, have had the same under consideration, and have instructed me to report the same back to the House, and ask to be discharged from its further consideration.

Read and received to come up in order.

Mr. Carothers, chairman of the committee on County Boundaries, reported:

The committee on county boundaries, to whom was referred a bill to be entitled an act to compensate all commissioners that have been appointed, or may hereafter be appointed by the Legislature of the State to locate the county seats of all new counties that were created during the first session of the Legislature of the State of Texas, have had the same under consideration, and a majority of the said committee have instructed me to report the same back to the House, and respectfully recommend its indefinite postponement.

Read and received to come up in order. Also,

The committee on County Boundaries, to whom was referred a bill entitled an act to define the boundaries of Refugio county, have had the same under consideration, and it appearing to said committee that the passage of the above mentioned bill would reduce an adjoining county that is now less than a constitutional size, some two hundred miles, and this too, against the express wishes of the citizens of said adjoining county, have instructed me to report the same back to the House, and respectfully recommend that it be laid on the table.

Read and received to come up in order.

Mr. Bryan, chairman of the committee on Engrossed Bills, reported that they have examined a bill to be entitled an act to incorporate the town of Nacogdoches.

Also, a bill to be entitled an act to regulate proceedings in cases of forcible entry and detainer.

Also, an act to amend an act, supplementary to an act to detect fraudulent land certificates, passed by the 5th Congress of the Republic of Texas.

Also, a bill to be entitled an act to incorporate the town of San Augustine.

Also, a bill to be entitled an act to establish the county of Cameron.

And find the same correctly engrossed.

Read and adopted.

Mr. Robertson, chairman of the select committee to whom was referred the petition of Anderson B. Gray, asking a settlement of the amount due him as surveyor, &c., for running the boundary line between Texas and the United States, have instructed me to report as follows:

We find that the petitioner was engaged in his duties in the field for the space of fourteen months, and exposed to all the privations and inconveniences of a camp life, during which time, many of those who were engaged with him, owing to their privations, suffered much from sickness, many had to leave the line on account thereof. Still he continued to duty, but never delayed his portion of the work; but operated until the whole line was completed from the Gulf of Mexico to Red River; during which time, he received only one hundred and fifty-eight dollars as a compensation for his services rendered. In a topographical and surveying point, he performed the important duties of making astronomical observations, and drafting Topographical plans and maps—services seldom performed by the same individual. The hands were paid out of the money appropriated for the completion of the work on the line; and the commissioners and the clerks, have since received their remuneration, for services rendered, and the surveyor now asks for the compensation so justly due him. Had his compensation or salary been paid out of the money at the time, sufficient would not have remained to complete the work, and the States of Louisiana and Arkansas, would have continued to have jurisdiction over a valuable portion of territory, covering more than six hundred square miles, comprised now in the counties of Harrison and Bowie, and on which we have and still are receiving money into the Treasury in the State of Texas.

It is true that he has received innumerable acknowledgements from the heads of Departments, expressive of the able and efficient manner in which his work has been executed. But these acknowledgements, though flattering to his pride, will be of little intrinsic value, without they are accompanied by some substantial proofs of the estimation in which we hold his services. We have examined with pleasure, maps, plans, &c., connected with the work, and executed by Mr. Gray, now on file in the Office of Secretary of State; and feel satisfied that the work has been well performed, and that it is of such a nature, that we are daily reaping benefits

from. As these documents are, and will continue to be referred to, and consulted for the use of the State. We therefore, recommend the accompanying Joint resolution to the favorable consideration of the House.

A joint resolution authorizing and requiring the Comptroller of Public Accounts to pay A. B. Gray for services in running and marking Eastern boundary line of Texas.

Read a first time.

Messrs. Taylor and Bourland made the following report;

The committee on Finance, to whom was referred the outstanding liabilities of the Republic of Texas, have had the same under consideration, and ask leave to report the accompanying bills as a substitute for the original bills, and recommend them to the favorable consideration of the House.

Report, bills and substitute received to come up in their regular order.

Mr. Shaw introduced a bill to be entitled an act to incorporate the Milam Liberal Institute.

Read a first time.

Mr. Bryan reported that the committee on Engrossed Bills have examined an act regulating Pilots for the mouth of the Brazos River, and find the same correctly engrossed.

Read and accepted.

Mr. Runnels introduced a bill to be entitled an act to authorize and require the Comptroller to settle the account of Martin Glover late Sheriff of Bowie county.

Read a first time.

Mr. Runnels moved to suspend the rule:
Carried.

Bill read a second time.

On motion of Mr. Mosely,

Referred to a select committee.

Whereupon the Chair appointed Messrs. Mosely, Runnels Robertson, Rayner and Stuart of Galveston, said committee.

On motion of Mr. Neal the orders of the day were then taken up.

A bill to be entitled an act better defining the martial right of parties.

Read a third time and passed.

Mr. Robertson introduced* the following resolution:

Resolved, That as a standing rule of the House no bill on its last reading shall be read by caption:

Read and laid on the table one day for consideration.

A bill to be entitled an act for the establishment of Free Public Schools.

Read a third time and passed.

A bill to be entitled an act supplementary to an act to provide for the enumeration of the inhabitants of the State of Texas, approved April 11th, 1846.

Read a third time and passed.

Joint Resolution for the relief of Lewis Thunner.

Read a third time and passed.

Joint Resolution appropriating one hundred dollars for the purpose of procuring a map of Shelby county.

Read a third time and passed.

Mr. Hardeman moved a reconsideration of the vote rejecting the bill for the relief of James Cole.

Mr. Haynie moved to lay the motion on the table.

Carried.

A bill to be entitled an act regulating the apportionment of of representation among the several counties of this State.

Together with the substitute offered by Mr. Robertson.

Mr. Potter moved to strike out of Mr. Robertsons substitute the Preamble.

Carried.

A message was received from the Senate informing the House that the Senate had receded from its amendments to a bill to be entitled an act authorizing persons who have received donation certificates under the provisions of an act granting lands to those who were in the battle of San Jacinto and

other battles, approved December 21st, A. D. 1837, to alienate said certificates and the lands acquired under them.

On motion of Mr. Carothers, the House then adjourned until 3 o'clock, p. m.

3 o'clock, p. m.

The House met pursuant to adjournment.

The roll was called,

And a quorum of the members answered to their names:

Mr. Reagan moved to lay the bill, substitute and amendments on the table.

Mr. Robertson moved a call of the House.

Carried.

Quorum present.

On motion of Mr. Bogart,

The further call of the House was suspended.

On motion of Mr. Robertson,

A call of the House was ordered.

Quorum present.

Mr. McNeill moved that Mr. Fields be excused from the call of the House.

House refused to excuse.

Mr. Robertson moved to suspend the call.

Lost.

On motion of Mr. McCown,

The call was suspended.

Mr. Robertson moved a call of the House.

Carried.

Quorum present.

On motion of Mr. Eddy,

Mr. Railey was excused from the call of the House.

On motion of Mr. Goode,

Mr. Lewis was excused from the call of the House.

On motion of Mr. Carothers,

The call was suspended.

Mr. Robertson moved a call of the House.

Carried.

Quorum present.

On motion of Mr. Bogart,

The further call of the House was suspended.

Mr. Burroughs moved to adjourn until to-morrow morning 9 o'clock.

Lost.

Mr. Burroughs moved to adjourn until 2 minutes after 9 o'clock to-morrow morning.

Lost.

Mr. Willie moved a call of the House.

Carried.

Quorum present.

Mr. Runnels moved to suspend the call.

Lost.

Mr. Armstrong moved to suspend the call.

Lost.

On motion of Mr. Miller of Houston,

The call was suspended.

On motion of Mr. Winkler,

The vote excusing Mr. Railey from the call of the House was reconsidered.

Mr. Pease moved the bill, substitute and amendments be laid on the table and made the special order of the day for Wednesday next.

Lost.

Mr. Crump moved a call of the House.

Carried.

Quorum present.

Mr. McCown moved to adjourn until to-morrow morning 9 o'clock.

Lost by the following vote.

Yeas—Messrs. Speaker, Armstrong, Bryan, Crump, Crutcher, Cunningham, Edwards, Haynie, Lewis, Miller of C., Millican, McCown, Neal, Pease, Perry, Potter, Rains, Rayner, Robertson, Truit, Webb and Willie—24.

Nays—Messrs. Allen, Bogart, Bourland, Burroughs, Carothers, Davis of L., Davis of R., DeCordova, Dooly, Eddy, Epperson, Fields, Goode, Hardeman, Keenan, Lott, Lyons, Mil-

ler of H., Mosely, McNeill, Runnels, Saddler, Shaw, Shannon, Sterne, Stout, Stoddard, Stuart, of Gal. Stewart, of Gon., Taylor, Walling, Winkler and Wren—34.

On motion of Mr. Crump,

A call of the House was ordered.

Mr. Davis of R., moved to excuse Mr. Railey from the call of the House.

Mr. Rayner moved to adjourn until to-morrow morning 9 o'clock.

Lost.

Question on the suspension of the call.

Carried.

Mr. Bogart moved to dispatch the Sergeant-at-Arms after Mr. Railey.

Lost.

Question on the motion of Mr. Davis of Robertson to excuse Mr. Railey from the call of the House.

The yeas and nays being called for stood.

Mr. Haynie asked to be excused from voting.

Refused.

Mr. Armstrong moved to adjourn until to-morrow morning 10 o'clock.

The Chair decided that a question to adjourn could not be entertained during the pendency of a call of the yeas and nays.

Mr. McNeill appealed from the decision of the Chair.

Chair sustained.

The chair decided that whether a gentleman confines himself to the question under consideration was not the subject of the decision of the chair.

Mr. Miller of Houston appealed from the decision of the chair.

Chair sustained.

The Result of the vote on the motion to excuse Mr. Railey from the call of the House was as follows.

Yeas—Messrs. Speaker, Allen, Armstrong, Bogart, Carothers, Cunningham, Davis of L., Davis of R., Dooley, Eddy, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lott, Lyons, Miller of H., Mosely, McCown, McNeill, Reagan, Run-

nels, Saddler, Shannon, Stewart of Gon., Walling, Winkler and Wren—30.

Nays—Messrs. Bourland, Burroughs, Bryan, Crump, Crutcher, DeCordova, Gilliam, Goode; Miller of C., Millican, Neal, Pease, Perry, Potter, Rains, Rayner, Robertson, Shaw, Sterne, Stout, Stoddard, Stuart of Gal., Taylor, Truit, Webb, Wheeler and Willie—27.

On motion of Mr. Pease,

The House then adjourned until to-morrow morning 9 o'clock, by the following vote.

Yeas—Messrs. Speaker, Armstrong, Burroughs, Bryan, Crump, Crutcher, DeCordova, Dooley, Eddy, Edwards, Fields, Goode, Hardeman, Haynie, Lewis, Miller of C., Millican, Mosely, Neal, Pease, Perry, Potter, Rains, Rayner, Robertson, Saddler, Shaw, Stout, Stoddard, Stuart of Galveston, Truit, Webb, Wheeler and Willie—35.

Nays—Messrs. Allen, Bogart, Bourland, Carothers, Cunningham, Davis of L., Davis of R., Epperson, Gilliam, Lott, Lyons, Miller of Houston, McCown, Reagan, Runnels, Shannon, Sterne, Stewart of Galveston, Taylor, Walling, Winkler and Wren—22.

House of Representatives,
Austin, February 26th, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Carothers, Crump, Crutcher, Cunningham, Davis of L., Davis of R., DeCordova, Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lyons, Miller of C., Millican, Mosely, McCown, McNeill, Neal, Pease, Perry, Potter, Rains, Rayner, Reagan, Robertson, Railey, Saddler, Shannon, Shaw, Sterne, Stout, Stuart of Gal. Stewart of Gon., Taylor,

Truit, Webb, Walling, Winkler, Wheeler, Willie and Wren.

A quorum being present,

The Journal of the preceding day was read and adopted.

Mr. Pease moved that the Hon. Thos. M. Dennis, member elect from the county of Matagorda, be permitted to qualify and take his seat.

Carried.

Whereupon, the oath prescribed by law was administered to him by the Speaker,

A message was received from the Senate, informing the House that the Senate had passed the following bills ;

A bill to be entitled an act for the relief of David F. Webb :

A bill to be entitled an act for the relief of Alfred Johnson,

A bill to be entitled an act to incorporate the Trinity Navigation Company.

A bill originating in the House of Representatives, to be entitled an act to incorporate the City of Lavacca, with amendment :

Joint resolution proposing an amendment to the Constitution of the State of Texas.

Mr. Pease, chairman of the Judiciary committee, reported :

The committee on the Judiciary, to whom was referred an act to prohibit the cutting or carrying away timber from lands on which the owner does not reside, have considered the same, but finding some objections to it, they have proposed a substitute, which they recommend to be adopted by the House of Representatives.

Report and bill received, to come up in their regular order.

Mr. Willie, one of the Judiciary committee, reported :

The committee on the Judiciary, to whom was referred an act to provide for the collection of the taxes of 1846, together with the report of the Finance committee recommending amendments, respectfully submit the accompanying bill, and substitute for the original bill and amendments, and recommend its passage.

Report and bill received, to come up in their regular order.

Mr. Stewart, of Galveston, chairman of the committee on Finance, made the following report :

The committee on Finance, to whom was referred a bill to be entitled an act making an appropriation for the pro rata pay of Dr. Thos: P. Anderson, deceased. Surgeon of the late Navy of the Republic of Texas, have had the same under consideration, and have instructed me to report the same back to the House, and to recommend its passage.

Mr. Carothers, chairman of the committee on County Boundaries, made the following report :

The committee on County Boundaries, to whom was referred the petition of sundry citizens, purporting to be of the county of Cherokee, have had the same under consideration, and ascertaining that to grant the prayer of said petitioners, would be in fact to reduce the counties of Nacogdoches and Cherokee to a less size than a constitutional limit.

The majority of the committee, therefore, have instructed me to report the same back to the House, and respectfully recommend that any further action on said petition be indefinitely postponed.

Report and bill received, to come up in their regular order.

Mr. Bryan, chairman of the committee on Engrossed Bills, reported :

The committee on Engrossed Bills have examined a bill to be entitled an act to provide for the assessment and collection of taxes :

A bill to be entitled an act to amend the 1st, 2d and 4th sections of an act entitled an act to regulate the license and practice of Attorneys and Counsellors at Law; approved May 12th, A. D. 1846 :

A bill to be entitled an act to incorporate the Western Texas Orphan Assylum :

And find the same correctly engrossed.

Mr. Miller, of H., introduced a bill supplementary to an act to establish the Judicial Districts of the District Courts.

Read a first time.

Mr. Miller, of H., moved to suspend the rule requiring bills to be read on three several days.

Lost.

On motion of Mr. Stewart, of Galveston,

The House then proceeded to the orders of the day.

A bill regulating the apportionment of the representation among the several counties of the State, being the special order of the day, was taken up.

Mr. Reagan moved to lay the substitute and amendments on the table.

Carried.

Mr. Keenan moved the engrossment of the original bill.

On motion of Mr. Neal,

The vote was reconsidered, laying the substitute and amendments on the table.

Question on Mr. Reagan's motion, to lay on the table.

Mr. Webb moved to amend the motion by adding to it the original bill.

A division of the question was called for.

Question on Mr. Webb's motion taken and lost.

Question on Mr. Reagan's motion to lay on the table.

On motion of Mr. Pease,

Leave was granted Mr. Bryan to explain his reasons for voting on the motion to lay on the table.

Mr. Cunningham asked leave to explain his reasons for voting.

Granted.

Mr. Dennis asked leave to explain.

Granted.

On motion of Mr. Cown,

The rule requiring members to be present when voting, was suspended by the following vote:

Yeas—Messrs. Allen, Armstrong, Burroughs, Bryan, Crump, Crutcher, Cunningham, Dooley, De Cordova, Eddy, Edwards, Fields, Hardeman, Haynie, Lewis, Miller* of C., Millican, Mosely, McCown, McNeill, Neal, Pease, Perry, Potter, Rains, Rayner, Robertson, Runnels, Shaw, Sterne, Stout, Stoddard,

Stuart, of Gal., Stewart of Gon., Taylor, Truit, Webb, Winkler, Wheeler and Willie—41.

Nays—Messrs. Speaker, Carothers, Davis of L., Davis of R., Epperson, Gilliam, Goode, Keenan, Lott, Lyons, Miller of H., Reagan, Railey, Saddler, Shannon, Walling, and Wren—17.

Mr. Crump moved that a committee be raised to wait on the absent members, Messrs. Irions and White, to receive their votes.

Carried.

Whereupon the chair appointed Messrs. Crump, Eddy and Reagan said committee.

The chair also appointed Messrs. Burroughs and Runnels to wait on Mr. Renfro, to receive his vote: which committee reported that duty performed.

The House refused to lay the substitute and amendments on the table by the following vote:

Yeas—Messrs. Speaker, Bogart, Bourland, Carothers, Cunningham, Davis of L., Davis of R., DeCordova, Eddy, Epperson, Fields, Gilliam, Goode, Keenan, Lott, Lyons, Miller of H., Mosely, McCown, Reagan, Runnels, Railey, Saddler, Shannon, Sterne, Stout, Stuart of Gal., Taylor, Walling, Winkler and Wren—31.

Nays—Messrs. Allen, Armstrong, Burroughs, Bryan, Crump, Crutcher, Dooly, Edwards, Hardeman, Haynie, Irion, Lewis, Miller of C., Millican, McNeill, Neal, Perry, Pease, Potter, Rains, Raynor, Renfro, Robertson, Shaw, Stoddard, Stewart of Gon., Truit, Webb, Wheeler, White and Willie—31.

Mr. Cunningham moved to refer the bill, substitute and amendments to a select committee, to be composed of one member from each Judicial District.

Carried.

Whereupon the chair appointed Messrs. Cunningham, Bogart, Bourland, Keenan, Taylor, Sterne, Fields, Willie, Webb and Pease, said committee.

Mr. Gilliam moved that the committee report on Monday next, if practicable.

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined a bill creating the county of Kaufman : also

An act to incorporate the town of Montgomery : also

An act to define more accurately the boundaries of De Witt county : also

An act for the relief of the widow and heirs at law of Maj. James L. Holman, deceased : also

A joint resolution for the relief of William Plucker : also

An act to authorize Sarah Ann Kelton to make valid conveyances of real estate and negroes : also

An act to prohibit the Boards of Land Commissioners in each county of this State from issuing certificates in certain cases : also

An act supplementary to an act to create the county of Smith : also

An act prescribing in what cases the Governor may remit fines and forfeitures : also

An act to establish the county seat of Grimes county : also

An act to remove the Land Office of Robertson Land District : also

An act to create the county of Hays : also

An act to allow offsets in certain cases :

And find the same correctly enrolled : and having been signed by the Speaker of the House of Representatives and the President of the Senate, were this day presented to the Governor for his approval.

Report adopted.

A bill to be entitled an act to regulate the distribution of intestates' estates, being made the special order of the day, was taken up.

Mr. Pease moved the engrossment of the bill.

Mr. Keenan moved to make it the special order of the day for Wednesday next, March 1st.

Carried.

On motion of Mr. Rayner,

The House then took a recess of twenty minutes.

The House met; a quorum present.

Messrs. McNeill and Allen were appointed a committee to wait on the Honorable Senate, and inform them that the House was ready to receive them in joint session, for the election of District Attorneys for the several Judicial Districts of the State.

12 o'clock, M.

The Senate assembled in the Representative Hall, in conformity with a resolution previously adopted by both Houses.

The two Houses then proceeded to the election of District Attorneys.

The Speaker announced that it was in order to receive nominations for the First Judicial District.

Mr. Rayner nominated Hiram Waller.

Mr. Potter nominated Henry Andrews.

On a call of the roll by the Chief Clerk of the House, Mr. Waller received the following votes:

Messrs. Speaker, Allen, Bogart, Bourland, Carothers, Crump, Crutcher, Cunningham, Davis of L., Davis, of R., Dooley, Dennis, Epperson, Gilliam, Goode, Hardeman, Haynie, Keenan, Lewis, Lott, Miller of H., Millican, Mosely, McCown, McNeill, Neal, Perry, Rayner, Reagan, Robertson, Railey, Runnels, Shannon, Shaw, Sterne, Stout, Stoddard, Taylor, Walling, Winkler, White, Willie and Wren—43.

Mr. Andrews received the following votes:

Messrs. Armstrong, Burroughs, Bryan, DeCordova, Edwards, Fields, Miller, of C., Pease, Potter, Rains, Saddler, Stuart, of Gal., Stewart, of Gon., Truit, and Webb—15.

On joint vote of both Houses, Mr. Waller received 55 votes; Mr. Andrews received 23 votes.

Mr. Waller having received a majority of all the votes, was declared by the Speaker, duly and Constitutionally elected District Attorney for the First Judicial District, for the term of two years.

Mr. Sterne nominated John A. Green, as a candidate for District Attorney for the Second Judicial District.

There being no other nomination, the Chief Clerk proceeded to call the roll, and Mr. Green received the following vote:

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Carothers, Crump, Crutcher, Cunningham, Davis of L., Davis of R., DeCordova, Dennis, Dooley, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lewis, Lott, Lyons, Miller of C., Miller of H., Millican, Mosely, McCown, McNeill, Neal, Pease, Perry, Potter Rains, Rayner, Robertson, Railey, Saddler, Shannon, Shaw, Sterne, Stout, Stoddard, Stuart of Galveston, Stewart of Gonzales, Taylor, Truit, Walling, Winkler, White, Willie and Wren—57.

John Smith received two votes:

Messrs. Reagan and Runnels.

On joint vote of both Houses, Mr. Green received 77 votes: J. Smith, 2.

Mr. Green having received a majority of all the votes, was declared by the Speaker, duly and Constitutionally elected District Attorney for the Second Judicial District, for the term of two years.

Mr. Willie nominated Thos. Johnson as a candidate for the office of District attorney for the Third Judicial District.

There being no other nomination, Mr. Keenan moved that Mr. Johnson be declared duly elected, by acclamation.

Lost.

On a call of the roll, Mr. Johnson received the following votes:

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Carothers, Crump, Crutcher, Cunningham, Davis of L., Davis of R., DeCordova, Dooley, Dennis, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lewis, Lott, Lyons, Miller of C., Miller of H., Millican, Mosely, McCown, McNeill, Neal, Pease, Perry, Rains, Rayner, Reagan, Robertson, Railey, Runnels, Saddler, Shannon, Shaw, Sterne, Stout, Stoddard, Stuart of Galveston, Stewart of Gonzales, Taylor, Truit, Webb, Walling, Winkler, White, Willie and Wren—58.

On joint vote of both Houses, Mr. Johnson received 78 votes, which being a majority of all the votes, he was duly and Constitutionally elected District Attorney for the the Third Judicial District, for the term of two years.

Mr. Dooley nominated C. W. Peterson as a candidate for District Attorney for the Fourth Judicial District.

There being no opposition, Mr. Allen moved to declare Mr. Peterson elected by acclamation.

Lost.

The Chief Clerk proceeded to call the roll, and Mr. Peterson received the following votes :

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Carothers, Crump, Crutcher, Cunningham, Davis of L., Davis of R., DeCordova, Dooley, Dennis, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lott, Lewis, Lyons, Miller of C., Miller of H., Millican, Mosely, McCown, McNeill, Neal, Pease, Perry, Potter, Rains, Rayner, Reagan, Robertson, Railey, Runnels, Shannon, Saddler, Shaw, Sterne, Stout, Stoddard, Stuart of Galveston, Stewart of Gonzales, Taylor, Truit, Webb, Walling, Winkler, White, Willie and Wren—59.

Joint vote of both Houses stood for Peterson, 79 votes.

Mr. Peterson having received a majority of all the votes, was declared by the Speaker duly and Constitutionally elected District Attorney for the Fourth Judicial District, for the term of two years.

Mr. Edwards nominated R. S. Walker as a candidate for District Attorney of the Fifth Judicial District.

There being no opposition, Mr. Davis of Robertson, moved to declare Mr. Walker elected by acclamation.

Lost.

On a call of the roll by the Chief Clerk, the vote for Mr. Walker stood as follows :

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Crutcher, Crump, Carothers, Cunningham, Davis of L., Davis of R., DeCordova, Dooly, Dennis, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lewis, Lott, Lyons, Miller of C., Miller of H., Millican, Mosely, McCown, McNeill, Neal, Pease, Perry, Potter, Rains, Rayner, Reagan, Robertson, Railey, Saddler, Shannon, Shaw, Sterne, Stout, Stoddard, Stuart of Galveston, Stewart of Gonzales, Taylor, Webb, Walling, Winkler, White Willie and Wren—58.

On joint vote. Mr. Walker received 78 votes, which being a

majority of all the votes given, he was declared by the speaker, to be duly and Constitutionally elected District Attorney for the Fifth Judicial District, for the term of two years.

Mr. Taylor nominated David W. Fields, as a candidate for District Attorney of the Sixth Judicial District.

There being no other nomination, Mr. McCown moved that Mr. Fields be declared elected, by acclamation.

Lost.

On a call of the roll by the Chief Clerk, Mr. Fields received the following vote :

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Carothers, Crutcher, Cunningham, Davis of L., Davis of R., DeCordova, Dooly, Dennis, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lewis, Lott, Lyons, Miller of C., Miller of H., Millican, Mosely, McNeill, McCown, Neal, Perry, Potter, Rayner, Rains, Reagan, Railey, Runnels, Saddler, Shannon, Shaw, Sterne, Stout, Stoddard, Stuart of Galveston, Stewart of Gonzales, Taylor, Truit, Webb, Walling, Winkler, Willie and Wren—55.

For Mr. Hogg.—Mr. Reagan—1.

On Joint vote Mr. Fields received 75 votes : Mr. Hogg, 1 vote.

Mr. Fields having received a majority of all the votes given, was declared duly and Constitutionally elected District Attorney for the Sixth Judicial District, for the term of two years.

The following nominations were made for the Seventh Judicial District:

Mr. Lott nominated M. Wiley.

Mr. McNeill nominated Samuel D. Hay.

Mr. McCown nominated Mr. Drew.

Mr. Fields nominated Charles Cleveland.

Mr. Pease nominated David S. Terry.

On a call of the roll by the Chief Clerk, the votes were cast for the respective candidates, as follows :

On a call of the roll by the Chief Clerk, the votes were cast as follows :—

For Mr. Hay—

Messrs. Allen, Armstrong, Crutcher Cunningham, Davis of R., Dooly, Edwards, Goode, Hardeman, Lewis, Lyons, Miller

of C., Mosely, McNeill, Perry, Rains, Robertson, Saddler, Shannon, Stout, Stuart of Galveston, Stewart of Gonzales, Truit, Webb and Wren—25.

For Mr. Wiley—

Messrs. Bogart, Burroughs, Carothers, Crump, Dennis, Epperson, Haynie, Keenan, Lott, Miller of Houston, Millican, Raynor, Sterne, Taylor, Walling and Willie—16.

For Mr. Terry—

Messrs. Speaker, Bourland, Bryan, DeCordova, Gilliam, Neal, Pease, Reagan, Runnels, Stoddard and White—11.

For Mr. Cleveland—

Messrs. Davis of Liberty, Fields and Shaw—3.

For Mr. Drew—

Messrs. McCown, Potter Railey and Winkler—4.

On joint vote Mr. Hay received 34 votes, Mr. Wiley received 18 votes; Mr. Terry received 16 votes; Mr. Cleveland 4 votes; Mr. Drew 7 votes.

Neither candidate having received a majority of all the votes, the two Houses proceeded to vote a second time.

On a second call of the roll, Mr. Hay received the following votes:

Messrs. Allen, Armstrong, Burroughs, Crutcher, Cunningham, Davis of R., Dooly, Edwards, Gilliam, Goode, Hardeman, Lewis, Lyons, Miller, of C., Mosely, McNeill, Perry, Rains, Saddler, Shannon, Shaw, Stout, Stuart of Galveston, Stewart of Gonzales, Truit, Webb, White and Wren—28.

For Mr. Wiley—

Messrs. Bogart, Bourland, Carothers, Crump, Dennis, Epperson, Haynie, Keenan, Lott, Miller of H., Millican, Rayner, Robertson, Sterne, Taylor, Walling, Winkler and Willie—18.

For Mr. Terry—

Messrs. Speaker, Bryan, DeCordova, Pease, Reagan, Runnels and Stoddard—7.

For Mr. Cleveland—

Messrs. Davis of Liberty, Fields, Neal and Potter—1.

For Mr. Drew—

Messrs. McCown and Railey—2.

On joint vote of both Houses, the vote stood for Mr. Hay, 42; for Wiley, 20; for Terry, 11; for Cleveland, 4; for Drew, 2.

Mr. Hay having received a majority of all the votes given, was declared by the Speaker duly and constitutionally elected District Attorney for the 7th Judicial District for the term of two years.

Mr. Stout nominated William C. Young as a candidate for District Attorney of the 8th Judicial District.

On a call of the Roll, Mr. Young received the following votes.

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Crump, Carothers, Crutcher, Cunningham, Davis of R., DeCordova, Dooly, Dennis, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lewis, Lott, Lyons, Miller of C., Miller of H., Millican, Moseley, McNeal, Neal, Rains, Rayner, Reagan, Robertson, Railey, Saddler, Shannon, Shaw, Sterne, Stout, Stuart of Gal., Stewart of Gon., Taylor, Truit, Webb, Walling, Winkler, White, Willie and Wren—54.

Mr. Old received one vote, to wit: Mr. Potter.

On joint vote, Mr. Young received 73 votes: Mr. Old received one vote.

Mr. Young having received a majority of all the votes, was declared by the Speaker duly and constitutionally elected District Attorney for the 8th Judicial District, for the term of two years.

For the 9th Judicial District, Mr. Saddler nominated A. J. Fowler.

Mr. Sterne nominated John C. McCoy, as a candidate for District Attorney.

On a call of the roll, Mr. Fowler received the following vote:

Messrs. Speaker, Bourland, Crump, Cunningham, DeCordova, Dennis, Edwards, Fields, Gilliam, Goode, Hardeman, Haynie, Lyons, Miller of H., Robertson, Saddler, Shaw, Stout, Stewart of Gon., Taylor, Walling, White and Willie—28.

For Mr. McCoy, the following votes were given:

Messrs. Allen, Armstrong, Bogart, Burroughs, Carothers,

Crutcher, Davis of R., Epperson, Keenan, Lott, McNeill, Neal, Perry, Rains, Reagan, Railey, Runnels, Shannon, Sterne, Stoddard, Stuart of Gal., Truit, Winkler, Webb and Wren—25.

On joint vote of both Houses, Mr. Fowler received 37 votes: MrMcCoy 36 votes.

Mr. Fowler having received a majority of all the votes given, was declared by the Speaker duly and constitutionally elected District Attorney for the ninth Judicial District, for the term of two years.

Mr. Stoddard nominated Wm. S. Glass as a candidate for District Attorney for the 10th Judicial District.

Mr. Lott nominated E. W. Perley.

On a call of the roll Mr. Glass received the following votes:

Messrs. Speaker, Allen, Bourland, Burroughs, Bryan, Carothers, Crutcher, Cunningham, Dennis, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lyons, Miller of H., Moseley, McNeal, Pease, Potter, Robertson, Runnels, Saddler, Shaw, Stout, Stoddard, Stewart of Gon., Taylor, Webb and Walling—31.

Mr. Perly received the following vote:

Messrs. Armstrong, Bogart, Davis of R., Epperson, Lewis, Lott, Miller of C., Millican, McCown, Neal, Perry, Rains, Rayner, Reagan, Railey, Shannon, Stuart of Gal., Truit, Winkler, White, Willie and Wren—22.

On joint vote of both Houses, Mr. Glass received 43 votes: Mr. Perly received 30 votes.

Mr. Glass having received a majority of all the votes given, was declared by the Speaker duly and constitutionally elected District Attorney for the 10th Judicial District, for the term of two years.

The Senate then returned to their Chamber, and

On motion of Mr. Taylor,

The House adjourned until Monday morning, 10 o'clock.

House of Representatives,
Austin, February 28, 1848

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names :

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Carothers, Crump, Cunningham, Davis of L., Davis of R., Dennis, Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Haynie, Keenan, Lott, Miller of C., Miller of H., McCown, Neal, Pease, Perry, Rains, Rayner, Reagan, Railey, Shaw, Sterne, Stout, Stoddard, Stuart of Gal., Stewart of Gon., Taylor, Truit, Webb, Winkler, White and Wren.

A quorum being present,

The Journal of the 26th inst., was read and adopted.

A message was received from the Senate informing the House that the Senate had passed the following bills :

A bill to be entitled An Act to provide for the election of electors of President and Vice President of the United States :

A bill to be entitled An Act to amend an Act to incorporate the Colorado Navigation Company :

A bill to be entitled An Act to define the time of holding the District Courts in the 10th Judicial District :

A bill to be entitled An Act to to change the names of the counties of Cameron, Starr and Webb :

A bill to be entitled An Act to incorporate the town of Palestine, in the county of Anderson :

A bill, originating in the House of Representatives, to be entitled An Act providing for the sale of the property belonging to the State of Texas, formerly used by the late Government for custom purposes, with amendments :

A bill to be entitled An Act to amend the 1st, 3d and 7th sections of an Act to define the time of holding the Courts in the several Judicial Districts in the State of Texas : passed, 11th of May, 1846 :

Mr. Webb presented the petition of Mary W. Chalmers ;
Referred to the Committee on Finance.

Mr. Eddy presented the petition of Jacob Barker and other citizens of Newton and Jasper counties.—Referred to the committee on Public Lands.

Mr. Keenan, chairman of the Committee on Education, made the following report :

The Committee on Education, to whom was referred a bill to be entitled An Act to incorporate the Houston Lyceum, have had the same under consideration, and instruct me to report it back to the House, and respectfully recommend its passage.

Mr. Crump, chairman of the Committee on Military Affairs, reported :

The Committee to whom was referred the petition of Andrew J. Yates, Administrator of J. P. Lansing, deceased ; praying this Legislature to remove certain alledged misdemeanors against the late Lieut. Lansing, of the Navy of the Republic of Texas ; have had the same under consideration, and instruct me to make the following report :

After obtaining from the Adjutant General's Office the Journals of the ninth Congress, and the evidence of Com. Moore of the facts in regard to the disposal of nineteen of Colt's Patent Pistols and a number of Carbines belonging to the San Bernard, the Committee have come to the conclusion that the disclosures are not sufficient to brand the reputation of a gallant officer with the crime of defaultation.

Lieut. Lansing, died 5th of July, A. D. 1843, on his return from the coast of Mexico, and some eight months thereafter the charge of defaultation was preferred against him, after the elapse of so long a time and after he had sunk into the quiet grave, which precludes the possibility of defence. Lieut. James O'Shannessy, who acknowledged himself guilty, and thereby beneath the station entrusted to him, steps forward as his accuser ; and, upon his mere say-so, the charge of guilt was stamped upon him.

William A. Tennison, certifies that he saw, while lying at New Orleans, a correspondence between Lieut. O'Shannessy and Lieut. Lansing, disclosing the fact of the sale of the small arms of the San Bernard at Liguira de Terminas, by himself, Lansing, and others, to the number of twenty-five or thirty Colt's Pistols, and other arms. He also certifies, that all the arms were on board at the time Capt. T. M. Taylor, left the ves-

sel, which is incorrect in point of fact, as Capt. Taylor admits he presented the British Consul, at Liguira on the coast of Mexico, during the year 1840, with one. The Republic subsequently charged him \$37 50 for it. Com. E. W. Moore also states, that there were only twenty-five pistols on board the San Bernard, which he purchased at \$30 00 per pistol. The Republic charged the estate of Lieut. Lansing \$37 50, which makes \$1,125 00 for the thirty pistols, which he states to have been taken from the San Bernard. The letter, or correspondence referred to above, was written only four days before Lieut. O'Shannessy was taken naked in the streets of Savannah, and placed in a Lunatic Asylum, as insane; this fact, was stated by Com. E. W. Moore, before the Committee. The Secretary of War and Marine, came hastily to the conclusion that Lieut. Lansing was guilty, because he did not immediately on receiving information, that the small-arms of the San Bernard were missing, report the same to the Department. It was the duty of Lieut. Lansing to report to his commanding officer, (this is customary in the Army, so reports are made to Genls. Taylor and Scott,) which he did immediately on receiving information, as the Committee was informed by Com. Moore. Now, if the above is a demonstration of his guilt, then *vice versa*, his prompt exposition of the fact to his commanding officer, is a clear demonstration of his innocence; for it would be a bad rule which would condemn a man for not doing his duty, and not exculpate him from a dereliction of his duty, when he had discharged it. From the certificate of George C. Bonner, Lieut. O'Shannessy informed him that a number of Colt's Pistols and Carbines had been taken on shore at Leguira, from the San Bernard, and there disposed of by himself. Lieut. O'Shannessy mentioned Mr. Goldsborough and others, but Lieut. Lansing was not mentioned by O'Shannessy as one of the persons assisting in the disposal of the arms. If he had been mentioned by O'Shannessy, is it probable that in disclosing the transaction to his commander would have forgotten that he, Mr. Bonner, also was implicated in the charge.

Again, can we entertain the belief that Lieut. Lansing would have committed a crime which we know could not have escaped detection, and if detected must have resulted in his dismissal from the service, and deduction of his pay, equal at least to the defaultation. If to commit a crime necessarily, implies an object, then, the presumption of innocence is clearly on the side of

Lieut. Lansing, because his accuser, Lt. O'Shannessy, admits in making the charge that he used the proceeds for his own purposes. If others had united with O'Shannessy in disposing of the small-arms above alluded to, the proceeds of which he had appropriated to his own use, as he asserted, would not the discontent of the parties, at once have charged the defaultation upon him, particularly, after committing the crime, to be deducted out of their *pro rata* of the spoils. The Committee are of opinion, that the facts contained in the certificates of Lieuts. Tennison and Bonner, in connexion with the evidence of Com. Moore, were not sufficient to brand the name of Lieut. Lansing with the crime of defaultation.

Report read and adopted, and the Joint Resolution read a first time.

On motion of Mr. Crutcher, the House then proceeded to the orders of the day.

A bill to incorporate the city of Lavacca with amendments from the Senate:

Which were read and concurred in.

A bill to amend an act supplementary to an act to detect fraudulent land certificates, passed at the fifth Congress of the Republic of Texas.

Read a third time and passed.

A bill to be entitled an act to incorporate the city of Nacogdoches, was

On motion of Mr. Keenan,

Read by its caption a third time and passed.

A bill to be entitled an act for the regulating of Pilots at the mouth of the Brazos river, was

On motion of Mr. Pease,

Read by its caption a third time and passed.

A bill to be entitled an act to regulate proceedings in cases of forcible entry and detainer.

Read a third time and passed.

A bill to be entitled an act to incorporate the town of San Augustine, was

On motion of Mr. Davis of L.,

Read by its caption a third time and passed.

A bill to be entitled an act to establish the county seat of the county of Cameron.

Read a third time and passed.

The chair announced a communication on the Speakers table, which

On motion of Mr. Lott,

Was taken up.

Mr. Cunningham moved to lay it on the table.

Lost by the following vote.

Yeas—Messrs. Speaker, Allen, Bourland, Crutcher, Cunningham, Epperson, Goode, Hardeman, Mosely, Perry, Railey, Runnels, Shannon, Stout, Taylor, Webb, Winkler and White—18.

Nays—Messrs. Armstrong, Bogart, Bryan, Carothers, Crump, Davis of L., Davis of R., DeCordoya, Dooley, Dennis, Eddy, Edwards, Fields, Gilliam, Haynie, Keenan, Lewis, Lott, Lyons, Miller of C., Miller of H., Millican, McCown, McNeill, Neal, Pease, Potter, Rains, Raynor, Reagan, Robertson, Saddler, Sterne, Stoddard, Stuart of Gal., Stewart of Gon., Truit, Walling and Wren—39.

Mr. Keenan moved to read the communication by its caption.

Which motion was lost.

TO THE HONORABLE THE LEGISLATURE OF THE STATE OF TEXAS.

In duplicate communications of like tenor, which the undersigned, Commissioner of the General Land Office had the honor lately to submit to your honorable Houses, he took occasion respectfully, to invoke your investigations by means of a joint committee touching certain charges, importing official malfeasance and delinquency made against him by several members of the committee on the Land Office, in their two reports submitted to the House of Representatives; one bearing date the 7th, and the other the 14th instant; and also requesting that the facts upon which the opinions & conclusions expressed in their said reports, were based, might be ascertained and set forth. The signers of the said two reports, were Messrs. McNeill, Goode, Fields and Reagan. Being impressed with the

belief, that such a request for investigation, when made by an officer so charged, and so circumstanced, has been seldom, if ever denied,—the undersigned received the information that *his* was rejected with surprise and regret. By a portion of the same committee, as will be seen by their report, under date of the 5th inst, signed by Messrs. Lyons, Bogart and Truitt, he is exculpated from the censures, and exonerated from the charges cast upon him by the others.

This condition of things, renders his situation both as an officer and a man, extremely unpleasant and embarrassing.—*Innocent*, he is exposed to the influence of unjust conjectures; *guilty*, he is partially shielded from the clear sentence which public opinion should be enabled to pronounce. In this state of suspense, it is impossible that justice should be dealt out to him, or that his official conduct should be properly appreciated or judged of by his fellow-citizens.

He will retort no charges and pass no encomiums; but the very position towards honorable gentlemen, into which he finds himself thus forced, upon the eve of an election to the office, in which he has so long served, is certainly unfortunate, and ought to be regretted both by them and himself.

In this situation, and under all its disadvantages, the undersigned is driven to the alternative of defending himself, as well as he may in the eyes of your honorable body, against the charges referred to, or of yielding in silent submission, to the malignant influences of those charges.

His official relations with every department of the Government, as well as his duty to his family and himself, alike forbid him so to yield and impel him to defend; in pursuance of which he will respectfully review the two reports first referred to, and repel by suitable evidence, the charges therein contained.

It is in the first place charged, *that the Commissioner of the General Land Office has drawn and failed to account for a balance of \$5,274 50.* A slight correction must here be insisted upon in relation to this amount, by substituting \$5,100; the sum actually drawn by the Commissioner, in place of the larger amount above expressed. This sum was made up of the following items, and comprised the whole of the several appropriations for the purchase of stationery, blank patents for the years 1846 and 1847, with the exception of the \$500 appropriation for stationery, for the year 1846, which was never

drawn by the Commissioner, but was paid out on an approved account of stationery furnished, viz: for patents for the year 1846, \$2,300, and a like sum, and \$500 for stationery for the year 1847, amounting to \$5,100. The above particulars were all before the authors of this report, and the undersigned trusts that they will not feel disposed strenuously to object to the suggested correction.

The appropriation of \$500 for books and stationery for the year 1846, were shown by the proper vouchers to the committee, to have been lawfully expended and accounted for. The report contains no comment upon the subject of this appropriation, (see exhibit B.)

The appropriations for the purchase of stationery and patents for the years 1846 and 1847, amounting in the gross to \$5,100, were shown to the committee, to have been applied to their legitimate objects, so soon as they came to the hands of the Commissioner, by placing the money in the possession of regular mercantile agents to effect, as rapidly as the course of business and transportation would admit, the designated purchases of this branch of the Government. That such delays and accidents as interposed, to prevent the earlier consummation and the full returns of the proceeds of these purchases were unavoidable, and arose without the fault of the Commissioner. That notwithstanding the necessity of resorting to a foreign market for the manufacture of the requisite supply of parchment, and notwithstanding the perils of distant transportation, yet there existed no reason to believe that one dollar of these monies had been lost to the State, or that the parchment patents would not reach the archives of the Land Office, so soon as the course of manufacture and transportation would admit. That one box containing an unknown number of patents, was on its way to Austin, by stage, and would probably arrive in a short time, and that the remainder were in progress of being manufactured and printed, and would in all probability, seasonably and from time to time come to hand. That thousands of patents had been received from time to time in lots, by successive shipments at the office. since these appropriations have been made and drawn, and as late as the evening of the 25th instant, another box of patents was received by stage.

The evidence to sustain the foregoing statement, is adduced in an exhibit to be read as a part hereof, appended and marked "exhibit A."

Touching this branch of the subject, that portion of the committee who submitted the report of the 5th inst., have been pleased therein to remark as follows :

"As to the manner in which the moneys for the purchase of blank patents, stationery, &c., have been disposed of by the Commissioner, it appeared to the committee that the Commissioner duly forwarded to New York the whole appropriation for the year 1846, for the purchase of patents, stationery, &c.; and, as regards the appropriation for 1847, the Commissioner duly forwarded the same, so soon as received, to his agents abroad, to be applied to its legitimate uses. . . But the proceeds of the last appropriation have not as yet been fully received at the Land Office, the blank patents, stationery, &c., therewith purchased, being still in the progress of transportation and delivery ; since the appropriation came to the hands of the Commissioner, sufficient time for the arrival of the patents, &c., has not yet elapsed, even if the Commissioner had used the *utmost* diligence in this respect, which circumstances did not, in the opinion of the undersigned, require. The fact that the parchment, of which the patents are made, has to be manufactured in Europe, and imported to this country, is not generally known ; still in no other manner can the Commissioner obtain the requisite supply, since the markets of neither country furnish so large an amount, except in case of a special and extraordinary demand for the article. Until the receipt of the remaining patents, the Commissioner cannot close his accounts and procure his vouchers, touching this appropriation ; so far as he has proceeded, however, in this business, the committee are satisfied that he has discharged his duty with fidelity and commendable energy."

Such is the "showing" on the part of the undersigned, which the four gentlemen charging delinquency on him in their Report of the 14th inst., have alleged to be not "such a showing as is contemplated by law ;" and such are the *facts* upon which they must have based the allegation that "*a balance of \$5,274 50 had been drawn and not accounted for by the Commissioner of the General Land Office.*"

The undersigned submits then to the judgment of your Honorable body, that he has not failed in the premises properly

and legally *to account* for the amount of the appropriations referred to. If, as his said accusers assert, "it is absolutely necessary that receipts and vouchers containing specifications of articles purchased for the use of the Government, shall be exhibited by a public officer in the settlement of his accounts with the Comptroller, subject to the inspection of and reported to the "legislature;" if indeed this doctrine be correct, then every disbursing officer and agent is to be regarded as a defaulter, and a speculator, from the moment he draws money from the public treasury, until he shall have consummated all the purposes for which the funds are to be applied, and shall have settled his accounts with the Comptroller, and obtained his proper voucher or discharge.

The undersigned under such circumstances, trusts that your Honorable body will rest satisfied with the reiteration of his assurance to the committee "that he now only waits the arrival of the remainder of the patents, and the accounts current, to settle with the Comptroller of Public Accounts, until which time such settlement is absolutely impracticable; and to secure which settlement his official bond for \$50,000 ought to be satisfactory.

The signers of the report in question, have endeavored by means of a projected estimate, to show that there ought to be about 9,000 patents on hand; and thereby to cast the imputation upon the undersigned, that he has either wasted the patents, or misapplied the monies appropriated for the purchase of them. His foregoing statements are as he trusts a satisfactory answer to such insinuations. Until impartial examination and enquiry can be made into the manner in which the patents have been used and cared for in the office, the *presumption* that he is guilty in this behalf ought not and cannot arise.

The gentlemen admit that upon full examination of all the appropriations from the year 1842 to 1845 inclusive, the vouchers of the Commissioner cover the amounts he has drawn; but they avail themselves of the occasion to dissent from the decisions of the proper auditing and accounting officers, in the exercise of whose discretion and judgment, the corresponding accounts of the Commissioner were passed, and his vouchers obtained.

The undersigned trusts that it will not be insisted upon by his censors, that those officers thus failing in the conscientious discharge of their public duties, have violated their official

oaths; or that they were so wholly incompetent to perform their assigned functions, that their decisions in the premises are to be regarded as mere nullities. But unless such doctrine, always hitherto held to be absurd, should now for the first time be deemed reasonable, the undersigned may safely insist before your Honorable body that the decisions of the auditing and accounting officer upon his accounts, and the corresponding vouchers in his possession submitted to the committee, on testimonials and evidence of the highest character in his favor, and repel the following charges made by the signers of this Report, viz.: *‘that those appropriations were not economically expended, that many extravagant and authorized channels have been found through which the public funds have been wasted. That unreasonable amounts have been allowed as traveling expenses of agents to and from New York, ostensibly for the purchase of patents.’*

In the disbursement of the public money, the exercise of a reasonable discretion is necessarily confided to the several heads of the Departments and Bureaux of every Government. If appropriations for the purchase of patents are to be applied with literal strictness to the mere payment of the articles purchased, without regard to incidental expenses, every such appropriation would be made in vain.

The Commissioner with the approval of the proper accounting officer has in the premises only exercised this legal and rightful discretion. In relation to such incidental expenses approved by him, so far as economy and regard for the public weal is concerned, he fearlessly challenges comparison with the expenses allowed for like purposes by any and every officer of the Government. The above charges involve dishonorable imputations, official delinquency and corrupt practices on the part of several other officers whose public acts have never received reproach or been tarnished by suspicion. And the undersigned humbly conceives that the considerations ought to suffice to relieve his accusers of the “fear” expressed by them in their report, that the journeys to and from New York ostensibly for the purchase of Patents *“were merely trips of pleasure at the expense of the State.”*

The account of the Comptroller of the Treasury for expenses attending his journey to and from the city of Washington, to obtain a portion of the public money, has been before your Honorable Body and has received its decided approval, mani-

fested by his recent re-election to the office which he has so long filled with honor. For a copy of that account (see exhibit C,) the undersigned offers merely to show by legitimate and fair comparison that his own charge of \$442 for expenses to and from New York is not extravagant, nor justly liable to the censure cast upon it by his accusers, since it is \$41 less than that of Mr. Shaw for his journey to and from the city of Washington.

The signers of the report under review, have dwelt at considerable length upon the cases of Gen. Morehouse and Mr. Remer. As to the former, he obtained leave of absence for three weeks only, it not being then known that he would be detained by reason of the court martial instituted for the trial of Commodore Moore at Washington, and intending to provide for his return in the event that he should not be so detained.

Shortly afterwards, Mr. Catlett, then a clerk in the Land Office, was sent to Washington, when the Treasury and other Departments of the Government were then (in 1844.) kept in order to obtain the salaries due the clerks. Mr. Catlett was expressly instructed by the Commissioner not to pay Morehouse anything, nor even to let him know of his having the accounts or authority for drawing the money, unless he found him (Morehouse) returning to Austin to resume his duties as Clerk. These instructions Catlett disobeyed, and did in fact pay Morehouse for his services as clerk. This is represented and commented on by the accusing portion of the committee in their report, as a wilful act of delinquency on the part of the Commissioner, "a wide dereliction from the rule of right," &c. The testimony showing the true state of the case as set forth above was before them (and is contained in the annexed exhibit D,) and whether they have with fairness or justice represented the case or the acts and conduct of the Commissioner therein, he leaves it to your honorable body to decide.

In the case of Mr. Remer, which occurred in 1846, the Commissioner would remark that, owing to the fact that the Legislature had reduced the salaries of the clerks—in consequence of which all, with the exception of two, resigned—he was compelled to procure the duties of clerks to be performed by those engaged in other avocations, paying them a like compensation with regular clerks.

Mr. Remer was applied to before the month of September that year, and came from a distance to assume the station of

clerk,—it would but have been a mere act of justice for his account to have been allowed and paid for the months of September and October, (as it was in fact through accident made out,) and under such circumstances the Commissioner would have been fully justified in approving the account for \$100. But he relies alone upon the fact fully shown to the committee, that the matter of that account originated in a mistake, which he caused to be corrected the moment that it was made known to him. The evidence on this subject is contained in exhibit E.

Again, it is objected that a book-binder has been employed, and partly paid out of the appropriation for clerks for 1846, and that for this there is no law.

In the year 1847, the office of assistant draftsman being vacant, Mr. Wm. Sattler was employed by the Commissioner to perform the duties incident to this department of clerkship. In this capacity he discharged the following duties, which are of a purely clerical description, coming within the purview of the office of draftsman. Whether he be called book binder, or clerk, or assistant draftsman, so that his occupation and labors fell within the legitimate sphere of duties properly and lawfully appertaining to the Land Office, is of little or no importance. In the said clerical capacity, he repaired and bound the original English field notes of Zavalla's, Burnet's, Vehlins, Austin's, De Witt's and Robertson's, colonies; also, the indexes to the said field notes; canvassed maps for the draftsman; stitched, arranged and bound the maps of surveys in the said colonies—they being before in loose single sheets; and repaired and bound the original Spanish titles, &c. That these duties appertain to the proper business of the Land Office, the Commissioner conceives no one will doubt. Then do the aforesaid censors, by merely calling this officer by the *name* or *title* of *book-binder*, show that there is no law to authorize his employment, or that he was unlawfully or improperly so employed? The fact that he understood the art of *book-binding*, in no wise detracted from his capacity or ability to perform the other clerical services in which he was engaged; and is it an objection of weight, that he was thereby enabled to place his work in a far better, more convenient and more enduring form, without additional expense to the State, than he would otherwise have been? The Commissioner conceives that it is no more unlawful to preserve the papers and documents aforesaid in leather covers, than in folded forms or paper envelopes. The

necesssity of preserving the Spanish and other titles, which he repaired and arranged, cannot well be denied. The amount of his labor, and the nature and value of his industry while thus employed, will fully appear from exhibit F, hereto appended. The Commissioner admits that he paid for a portion of his services out of the unexpended balance of the appropriation for 1846; but he conceives that in this he has in no wise misapplied the money, or departed from the true object and purposes of the appropriation; and in this the Comptroller of Public Accounts fully concurred with the undersigned, and he doubts not that your honorable body will be satisfied with the manner in which this balance was applied.

The undersigned would not be justified in passing over the objection rather strenuously urged by the gentlemen referred to against him, in relation to fees, since they have made this the special subject of a separate report. From the organization of the office, the practice of charging individuals for copies of papers, documents, titles, &c., has obtained. Much higher charges were allowed by the former Commissioner than by the present one for such services, as will appear by the rates of such fees in exhibit G. It is believed that this usage has never been deemed illegal or improper, until arraigned by the authors of the report in question, who allege that it infringes the 8th section of the land law, which provides that no person appointed to an office under that law, "shall take or receive any fee or emolument for negotiating or transacting the business of said office, other than those fees allowed by law." The undersigned has yet to learn that the furnishing copies of titles, maps, &c., for individual use, is any part of his official duty, or appertain to the "*negotiating or transacting the business of his office.*" To prepare certified copies for any and all persons who, from motives of curiosity or interest, may think proper to demand them, was never contemplated by law as a portion of the duties devolved thereby upon the Commissioner or any of his clerks. Such services would be most onerous, and with the present force, if gratuitously performed, would preclude the performance of any other duties. His salary then has no reference to the discharge of such exactions, nor does the enjoyment of that salary preclude him from acquiring property or earning emolument by the application of his lawful industry in any proper calling or business, not interfering with the sphere of his official duties, and it is proper in this connec-

tion, to observe that many members of every previous Legislature have procured copies of the description referred to, for which they have cheerfully paid, without even pretending or suspecting that the officer was violating the law by charging such fees, in conformity to the usage observed in the Land Office from the beginning.

Before concluding his explanations, in relation to his conduct in office, the undersigned avails himself of the occasion to remark that he has just learned that it has been charged against him by his accusers, that he has been concerned in the purchase of some portion of the *public domain*, in contravention of the eighth section of the land law. The truth of this charge the undersigned unhesitatingly denies; being well aware of the transaction to which his enemies allude. This transaction he will state:—In May, 1846 Mr. Aaron H. Bean purchased of R. M. Williamson, a certificate calling for a league and labor of land, and very soon after his purchase, caused the same to be *located* on a tract of land in Bexar county. Mr. Bean desired the undersigned, in the character of a trustee, to receive a conveyance from him of this *located land*, and after procuring a patent to convey one quarter of a league thereof to his own infant daughter, another quarter to the infant daughter of his brother, and the remainder to himself. With this request the undersigned complied, and he has since fully discharged his trust by executing the deed—those to the children being in consideration of love and affection. The undersigned never had any pecuniary interest in this land; but even if he had owned such interest, it would have been lawful, inasmuch as the land was actually separated from the public domain by the aforesaid *location*, and was no longer *public land*, when such interest would, under the circumstance mentioned, have occurred.

To violate the act in question, one of the following conditions must have occurred: First.—The Commissioner must have been concerned in the purchase for his own benefit of an interest in the *public land*, in his own name. Second.—He must have been concerned in the purchase of such interest in the name of another person for his own benefit, or in other words, in trust for himself. Neither of these conditions have happened. The last does not forbid his purchasing and holding *in trust for another person*, even an interest in the *public lands*. But the Commissioner has not gone to this extent. He has only received a conveyance of *private and appropriated*

land in trust for others, which trust he has fully executed and discharged in the manner aforesaid, and this act it seems, is attempted to be distorted and garbled into a crime.

Wherefore inasmuch as the late application of the undersigned for further investigation in the premises has been rejected, he now respectfully solicits that his present answer to the charges aforesaid may be spread upon the journals of your honorable body.

With due consideration of respect,

I have the honor to be

Your very obedient servant,

THOS. WM. WARD.

EXHIBIT B.

Comptroller's Office,
Austin, Jan'y 19, 1848. }

This certifies that the appropriation for stationary for the General Land Office, for the year 1846, amounting to five hundred dollars, was drawn on the approval of the Commissioner to an account for that amount which closed the transactions with this office.

JAMES B. SHAW, Comptroller.

EXHIBIT A.

Galveston, 23d, Sept. 1846.

Thomas W. Ward, Esq.,
Com'r Land Office;

My Dear Col.—My unfortunate management of your money matters requires from me an explanation. Not exceeding two minutes after you left our wharf for home, I unfortunately met Judge Toler. Upon my telling him what kind of an arrangement I had made for you, he remarked that he had just

received a letter from his brother in New York, who stated that our Mr. Martin had not arrived, nor had he been heard from, from the date of Mr. Toler's letter, and one written by Mr. Martin to me, dated Montgomery, Alabama, made him 18 days on the southern route—when six days from that point is sufficient. It struck me at once, that Mr. Martin must have been taken sick on the road. Consequently, there could be no certainty when he would arrive in New York, and for fear of inconveniencing matters in your Land Office arrangements, I on the same day purchased of Mr. S. W. Tichenor, of this place, two drafts for \$1000 each, drawn at sight by Maj. Irwin, U. S. Q. Master, on Col. Hunt, Q. M. General, at New Orleans. The New York arrived some two days after, and Capt. Phillips informed me that the draft for five hundred dollars of the same description had not been paid by Col. Hunt, at sight, for the want of funds; but would assure him on his return that all demands against the government would be promptly paid. This I thought to be satisfactory. On return again of the New York, the result was no better, but promised to pay on the next trip. Losing all confidence in the promise of the U. S. Government, I purchased checks on the Canal Banking Company, for \$1000, and \$250 in gold, which was sent with directions to have as much of the former drafts shaved (provided they were not paid) as would be necessary to make your account good with Mr. Bean. The steamer New York left, and after travelling some 45 miles, foundered and was lost. The clerk of the New York has paid me \$2000, which I believe, was the only dollar paid that was in charge of that ill-fated steamer.

You will herewith receive the certificate of the Postmaster of this city, of the deposit by me in that department, in *two letters*, of \$2300, remitted to Mr. Bean for your account, in U. S. Treasury notes, cut in half, the right half in one letter, and the left half in the other. My dear Col., I hope in our future money arrangements, [should there ever be any,] that I may not be so largely the loser; but having violated our arrangement, I have no one to blame but myself, because Mr. Martin was in New York in time.

Very Respectfully, Your Ob't Serv't,

JAMES H. COCKE.

I do hereby certify that James H. Cocke has, this 22d day of April, 1846, deposited in the Post Office at Galveston, two letters containing the right and left halves of twenty-three hundred dollars, U. S. Treasury notes, directed to A. Bean, Esq., New York, for account of Thomas William Ward, Commissioner of the General Land Office of the State of Texas, to be forwarded by the first mail.

R. D. JOHNSON,
P. M. Galveston.

Postage on the same, paid by J. H. Cocke, sixty cents.

New York, Nov. 13, 1846.

My Dear Col.—I am greatly delighted by the receipt of your kind favor of 17th ult. The stationary, as I have before written you, went by the first of November packet ship, Star Republic, and could as easily have been sent months sooner. I kept 20 lbs. of the wafers, and one pound of pounce, and sent them by the steamship Portland, on the 11th inst., bound for Galveston, via New Orleans, thinking it probable that it would meet Galveston sooner than the Star Republic. I have written to Doswell to have them forwarded by stage—to despatch the box to Shackelford & Co., with the request that they send it along by the first stage. I suppose if I bring the bills of the stationary and patents it will be in time. I may need your assistance regarding the forms in which the bills are to be made. You will be pleased, I can assure you, with the articles and prices. I am glad to get the pattern of the pen you so much like, which I have received in your letter of the 17th inst. I will send by the first chance or bring them. I shall write you often before I start—I hope not too often. So soon as I can give you an entire satisfactory account of the patents—the whole of them—I am off for Texas. Unless I start soon, I will send your bills of the articles sent; and if the forms are not right, I can correct when I come.

Yours truly,

A. H. BEAN.

New York, Dec. 13, 1847.

My Dear Col.—I write a word to say that I have sent bill of lading to Doswell & Co., of box of parchment, date 1st inst., but the vessel [Herald] did not sail till three days ago. I wrote to Shackelford & Co. The box is marked "Col. T. W. Ward, Austin, Texas." It contains 2000 parchments—splendid. I will write you at length in a few days, or just before I start, which I hope will be in ten days. I have been bothered to death with detentions, and am only waiting for the parchments to be finished. I will see it before I come. All well.

Very truly,

A. H. BEAN.

EXHIBIT C.

State of Texas,
To James B. Shaw,

Dr.

For my personal expenses from Austin to Washington City and back, on business of the State, in settling the claims against the General Government, by direction of the Governor, under the provisions of an act of the Legislature approved April 25th, 1846, and the expenses, &c. on 22 boxes of specie, the proceeds of the claim collected, from New Orleans to Austin:

For my personal expenses from Austin to Washington City, and back, including 20 days detention at the latter place,

\$483 00

Insurance on Specie in the "Pelican" Mutual Insurance Company, at 1-2 to 0-0, as per voucher,

208 00

Comptroller's Office,
Austin, Dec. 14, 1847.

I certify the above and foregoing to be a correct copy of the original voucher on file in this office.

JAMES B. SHAW, Comptroller.

The above is an extract from the account of the Comptroller.

EXHIBIT D.

I, John D. McLeod, do hereby swear, that in the year 1844 whilst E. Morehouse had a leave of absence from his duties as Clerk of the General Land Office, Mr. H. G. Catlett, also a clerk in the General Land Office, obtained a leave of absence to collect the pay of the clerks of the office, [the Treasury at that time being at Washington.] Col. Ward, the Commissioner sent by Catlett the accounts of Morehouse, with positive instruction not to deliver his accounts to him, or to let him know they were sent down, unless Catlett should meet Gen. Moorehouse on his way to Austin, to resume the duties of his office, which instructions Mr. Catlett disobeyed, which, at the time gave much dissatisfaction and annoyance to the Commissioner. Col. Ward expressing much dissatisfaction, soon afterwards dismissed Mr. Catlett from the office.

JOHN D. McLEOD.

No. 467.

The State of Texas, }
County of Travis. }

Sworn and subscribed to before me, the undersigned Notary Public. In testimony whereof I have hereunto set my name and affixed my official seal, at the city of Austin, this 10th day of February, 1848.

C. MASON, Notary Public.

EXHIBIT E.

General Land Office,
Austin, Jan. 19th, 1848.

I, Wm. A. Remer, do hereby certify, that upon the 19th day

of November, 1846, I met Col. Thos. Wm. Ward at the Treasury Office, and that I drew the amount of my salary as an assistant clerk of the General Land Office, from the Treasury Department, individually; and-I do further certify that Col. Thos. Wm. Ward took no action whatever in that office, in relation to my act in the receipt of the money or transaction of the same, his business there being for the purpose of collecting his own account due him, as I saw by the money paid him.

W. A. REMER.

Triplicate.

No. 188—Deposit warrant and receipt \$50 00.

The Treasurer will receive from Wm. A. Remer, clerk General Land Office, the sum of fifty dollars, in specie, it being an amount received by him of appr. No. for the pay of clerks in the General Land Office. Receipt therefor on the back hereof, and charge the same accordingly.

JAMES B. SHAW, Compt.

Comptroller's Office, }
Austin, Jan. 17, 1848. }

Treasurer's Office, }
Jan'y. 17th, 1848. }

Received of Wm. A. Remer the within specified sum in specie.

JAMES H. RAYMOND, Treasurer.

EXHIBIT F.

General Land Office,
Austin, Feb. 21, 1848.

The book-binder employed by the Commissioner in 1847,

and 1848. was operating in the same room with me, and partly under my instructions; I am therefore enabled to make the following statements:

During the whole time for which he received pay, from the State, he worked solely for the same.

He received pay at the rate of fifty dollars per month. The time during which he was sick or absent was not paid for.— These facts are well known to me, I having made out his accounts against the State.

The book-binder appeared to be industrious during office hours, although the work done, as reviewed here below, seems little for the time of his employ; it is owing to the tedious and slow, but necessary work, of preserving as much as possible the writing in the old titles field notes and maps, by lining the torn and worn edges and breaks with fresh paper, &c.

I further certify that the Commissioner paid to the book-binder the sum of \$9 75, due him for the binding of books belonging to the Commissioner individually.

Review of services rendered by Wm. Sattler to the General Land Office.

Repairing and binding of the original field notes of Zavalla's, Burnett's and Veihlen's Colonies—	9 vol's.
Repairing and binding of English field notes of Austin's, DeWitt's and Robertson's Colonies—	18 “
Repairing and binding of index to the above field notes—	2 “
Binding of maps of surveys in Zavala's, Veihlen's and Burnett's Colonies, which maps were all in single sheets—	7 “
Repairing and binding of Spanish titles—	42 “
Binding of reports of the board of travelling Land Commissioners, and abstracts of Spanish titles—	20 “
Binding of statutes and other books belonging to the office—	7 “

Canvassing and forming into an atlas, the surveys of the Eastern Boundary of Texas, by A. B. Gray.

Canvassing of blank paper for 9 maps. Repairing for Registers and numerous other small jobs.

The necessity of preserving the above named English field notes and maps of the different colonies is obvious, knowing

that they are basis of the Spanish titles, the latter being translated from the former, and sometimes erroneously or not so descriptive, so that a reference to the originals may, in many instances be of benefit.

Had a book binder not been employed, it would have become the duty of the draftsman to bring the above named field notes to some order, and to bind them to the best of his ability; for, in the state they were in, an often repeated research of their contents would soon have destroyed them. The canvassing of blank paper for maps would, also, have devolved upon the draftsman; the latter is paid at the rate of \$66 66, the book-binder at \$50, per month; the office is allowed two draftsmen, and since the 1st of September, 1847, to the 7th of February last, one only was employed; therefore, without the assistance of the book-binder, the work done by him could not possibly have been done.

ROBERT CRUEZBAR.

The State of Texas. }
County of Travis, } No. 481.

Before me, the undersigned Notary Public in and for said State and county, duly qualified, came the citizen, Robert Cruezbar, to me well known, who deposeth and saith that the foregoing statement is just and true.

In testimony whereof, I have hereunto set my hand and affixed my official seal at the city of Austin, the 23d of February, A. D. 1848.

CHARLES MASON, Notary Public.

EXHIBIT G.

Rates for Copying.

For a title from Big Book, Austin's Colony;	10 00.
" " " 2d, 3d, or 4th contract, if }	
over 4 pp. \$6; over 5 at the rate of \$1.25 per p. }	5 00

For a title in Burnets, Vehlén or Zavalla's	6 00
" " Robertson's colony,	5 00
" " Milam's do.	5 00
" " by Smyth or Taylor,	6 00
" " 11 leag's \$6 pr. 4 pp.,	
" " in Nacogdoches the same rate,	
provided it shall not be less than \$5. for every title.	

All other Spanish copying to be done at the above rates.

Making plots, when required to accompany each copy at the rate of 50 cts. each, when it contains not over 6 corners, for every additional corner 12 2-2 cents.

J. P. BORDEN.

N. B. The paper on which copies to be furnished by the party making the copy, but to be paid for by the copyist and Commissioner General at the rate of \$2 for the former to \$1 of the latter.

Rates of Copying English.

For every field note not less than	2 00
" " " having 2 pages, with plot of the same,	3 00
" " " over 2 pp. and not more than 3 with the plot,	3 50
" " " over 3 pp. and not more than 4 with plot,	4 00

All others to be in proportion to the above scale, provided each map shall not have more than 6 corners, but for every additional corner 12 1-2 cents.

J. P. BORDEN.

Austin, Jan. 20th, 1840.

—

A bill to be entitled An Act to provide for the assessment and collection of Taxes :

Read a third time.

Mr. Gilliam offered an additional section.

Mr. Robertson moved to refer the bill to the Judiciary Committee.

Mr. Willie moved to refer the bill to the Committee on Finance.

On motion of Mr. Crump,

The House took a recess of fifteen minutes ;

Question pending on Mr. Robertson's motion to refer.

The House met.

The Roll was called,

And a quorum found present.

As the time was approaching for the election of a Commissioner of the General Land Office, Mr. Sterne moved that a committee be raised to wait on Messrs. Irion, Renfro, Wheeler and Bogart, who were absent on account of sickness, and receive their votes for Commissioner of the General Land Office.

Whereupon, the Speaker appointed—

Messrs. Crump and Bryan, to wait on Mr. Irion :

Messrs. Pease and Saddler, to wait on Mr. Bogart :

Messrs. Sterne and Burroughs, to wait on Mr. Renfro :

Messrs. Eddy and Edwards, to wait on Mr. Wheeler :

All of which committees reported at the proper time, duty performed.

Mr. Reagan moved that a committee be raised, to inform the Honorable Senate that the House was ready to receive them in Joint Session, for the purpose of electing a Commissioner of the General Land Office :

Which was carried.

Whereupon, the Chair appointed—

Messrs. Reagan and Lyons said committee ;

Who returned, and reported duty performed.

12 o'clock, M.

The Hon. the Senate assembled in the Hall of Representatives, in accordance with a resolution previously adopted by both Houses for the purpose of holding a Joint Session, for the election of a Commissioner of the General Land Office.

The Speaker announced that nominations were in order :

Whereupon, Mr. Reagan nominated George W. Smyth, as a candidate for the Commissioner of the General Land Office.

Mr. Sterne nominated Thomas Wm. Ward :

Mr. Davis of L. nominated G. M. Patrick.

On a call of the roll by the Chief Clerk, Mr. Ward received the following votes :

Messrs. Bogart, Bryan, Davis of R., DeCordova, Dennis, Haynie, Irion, Lewis, Lott, Lyons, Miller of C., Pease, Potter, Rains, Saddler, Sterne, Stoddard, Stuart of Gal., Stewart of Gon., Truit, Walling and Willie—22.

Mr. Smyth received the following vote :

Messrs. Speaker, Allen, Armstrong, Bourland, Burroughs, Crump, Crutcher, Cunningham, Eddy, Edwards, Epperson, Fields, Gilliam, Goode, Hardeman, Miller of H., Millican, Mosely, McCown, McNeill, Neal, Perry, Rayner, Renfro, Reagan, Robertson, Railey, Runnels, Shannon, Shaw, Stout, Taylor, Webb, Winkler, White and Wren—36.

Mr. Patrick received the following votes :

Messrs. Carothers, Davis of L., and Keenan—3.

For Mr. J. B. Miller, Mr. Dooley, 1.

On joint vote of both Houses,

Mr. Ward, received 33 votes :

Mr. Smyth received 42 votes :

Mr. Patrick received 6 votes :

Mr. Miller received 1 vote :

Mr. Seidikum received 1 vote :

Mr. Smyth having received a majority of all the votes given was declared by the Speaker, duly and constitutionally elected

Commissioner of the General Land Office of the State of Texas,
for the term of two years.

The Senate then returned to their Chamber.

On motion of Mr. Willie,

The House adjourned until to-morrow morning, 9 o'clock.

House of Representatives,
Austin, February 29th, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs. Speaker, Armstrong, Bourland, Bryan, Carothers, Crutcher, Cunningham, Davis of L., Dennis, DeCordova, Epperson, Fields, Gilliam, Hardeman, Haynie, Keenan, Lott, Lyons, Miller of C., Miller of H., Millican, Mosely, McCown, McNeill, Perry, Rains, Rayner, Reagan, Railey, Runnels, Shannon, Shaw, Stout, Stoddard, Stuart of Gal., Stewart of Gon., Taylor, Truit, Webb, Walling, Winkler, Willie and Wren.

A quorum being present,

The Journal of the preceding day was read and adopted.

Mr. Cunningham made the following report :

The Committee on the Judiciary, to which was referred a bill to be entitled An Act to incorporate the town of Indian Point, have had the same under consideration, and have instructed me to report, that the Committee can see no objectionable features in said bill; they, therefore, beg leave to report the same back to the House, and recommend its passage without amendment.

Read and received; to come up in its order.

Mr. Bryan, chairman of the Committee on Engrossed Bills, reported:

That they have examined a bill to be entitled An Act regulating Juries : also,

A bill to be entitled An Act to amend the 43d section of an Act punishing crimes and misdemeanors ; approved, December 21th, 1836 : also,

An Act to provide for revising the Statute Laws of the State of Texas : also,

A bill to be entitled An Act for the relief of Jonathan Bird ; passed, the 18th of January, 1845 : also,

A Joint Resolution authorising the Commissioner of the General Land Office to issue a patent Edward Hall ;

And find the same correctly engrossed.

Read and adopted.

Mr. Cunningham made the following report:

The Select Committee raised by the House of Representatives to examine the Documents mentioned in tables one, two and three, referred to in a communication from the Commissioner of the General Land Office, and to report which if any of said Documents should be published, have had the subject under consideration, but from the presence of other business, and from the voluminous character of said documents, they have been unable to examine them minutely, and to specify particularly each Document which is of sufficient importance to be published.

The Committee, however, is well satisfied from the partial examination they have been enabled to make, that many of the Laws and Documents contained in said tables, are of great importance and should be published.

The Committee, therefore, beg leave to report the Joint Resolution herewith submitted, and recommend its passage.

Joint Resolution read a first time.

Mr. Fields introduced a Resolution to go into the election of some person or persons to print the Laws and Journals, on the 2d of March, at 12 o'clock, M.

Read and adopted.

A message was received from the Senate, informing the House, that the Senate had passed—

A bill to be entitled An Act to authorise a special tax to be collected in the county of Guadalupe : also,

A bill to be entitled An Act to authorise the County Court of Fort Bend county, to levy an additional tax :

Also, that the Senate refused to concur in the amendment of the House, to a Resolution appointing some person to take charge of the Capitol after the adjournment of the Legislature :

Also, had passed a Resolution to appoint a Joint Committee of three to draft a memorial to the Congress of the United States, in behalf of citizens of Texas who have had their property destroyed during the War between Mexico and Texas.

Mr. McNeill introduced a bill to be entitled An Act to prevent fire-hunting.

Read a first time.

Mr. Potter moved to take from the table and place among the orders of the day a bill to be entitled An Act to validate the acts of Thos. Wm. Ward.

Which was carried.

On motion of Mr. Fields,

The orders of the day were taken up.

A bill to be entitled An Act to regulate the assessment and collection of taxes, being the special order of the day, was taken up.

Read a third time, and

Passed by the following vote :

Yeas—Messrs. Allen, Bourland, Cunningham, Davis of L., Dooley, DeCordova, Epperson, Gilliam, Hardeman, Haynie, Lewis, Loti, Lyons, Miller of C., Miller of H., Mosely, McNeill, Neal, Perry, Reagan, Shaw, Sterne, Stout, Stoddard, Stuart of Gal., Taylor, Walling, White and Wren—29.

Nays—Messrs. Speaker, Armstrong, Burroughs, Bryan, Carothers, Crump, Crutcher, Davis of R., Dennis, Eddy, Fields, Keenan, Millican, Potter, Rains, Rayner, Runnels, Saddler, Truit, Webb, Winkler and Willie—22.

A message was received from the Senate, informing the House, that the Senate had passed—

A Resolution (with the concurrence of the House,) to appoint a Joint Committee to examine the Cash-Book of the Commissioner of the General Land Office, etc.

Mr. Gilliam moved to take up the Resolution just reported.

Which was carried by the following vote :

Yeas—Messrs. Speaker, Bourland, Burroughs, Bryan, Carothers, Crump, Crutcher, Lavis of R., Dennis, Dooley, DeCordova, Gilliam, Hardeman, Haynie, Lewis, Lott, Lyons, Miller of C., Miller of H., Neal, Potter, Rains, Renfro, Sterne, Stout, Stoddard, Stuart of Gal., Taylor, Truit, Webb, Walling, Winkler, White and Willie—34.

Nays—Messrs. Armstrong, Cunningham, Eddy, Epperson, Fields, Keenan, Millican, Mosely, McNeill, Perry, Reagan and Shaw—12.

Mr. Fields moved to amend by adding that the committee be also required to examine and report as to the correctness of the accounts of the Commissioner as regards the collection of Government dues and Patent fees.

Mr. Cunningham introduced the following as a substitute for the original bill and amendment :

Resolved, The Senate concurring that the Secretary of State be required to receive the Cash-Book and vouchers of the Gen'l. Land Office, and to keep them safely and deliver them over to the Commissioner elect as soon as he may be properly qualified.

Mr. Neal moved a call of the House :

Which was carried.

On motion of Mr. Taylor,

Mr. Goode was excused from answering to the call of his name.

On motion of Mr. Sterne,

Messrs. Wheeler and Renfro were excused from answering to the call of their names.

On motion of Mr. McCown,

Mr. Crutcher was excused from answering to the call of his name.

Quorum present.

On motion of Mr. Lott,

The call was suspended.

On motion of Mr. Keenan,

The original bill, substitute and amendments were laid on the table.

A bill to incorporate the Western Texas Orphan Asylum.

Read a third time and passed by the following vote:

Yeas—Messrs. Speaker, Armstrong, Bogart, Bourland, Burroughs, Crump, Cunningham, Davis of L., Dennis, Dooly, DeCordova, Eddy, Epperson, Fields, Gilliam, Hardeman, Haynie, Keenan, Lyons, Lewis, Lott, Miller of C., Miller of H., Millican, Msely, McCown, McNeill, Neal, Perry, Potter, Rayner, Reagan, Shaw, Stoddard, Stuart of Galveston, Stewart of Gonzales, Taylor, Webb, Walling, Winkler, White, Willie and Wren—43.

Nays—Mr. Pease—1.

A bill to be entitled an act to amend the first, second and fourth sections of an act entitled an act to regulate the license and practice of attorneys and counsellors at law, approved 12th May, A. D. 1846.

Read a third time and passed.

A bill to be entitled an act providing for the sale of the property belonging to the State of Texas, formerly used by the late Government of Texas, for custom purposes; with amendments from the Senate.

Read and amendments concurred in.

A bill to be entitled an act to secure the colonists of Fisher's and Miller's Colony, with a substitute offered by the committee on State affairs.

Read.

Mr. Potter in the Chair.

Mr. Cunningham moved to refer the bill and substitute to the committee on public lands.

Which was lost.

Mr. Henderson moved that the bill and substitute be referred to a select committee;

Which was carried.

The Chair appointed Messrs. Henderson, Dooly, Reagan, McNeill and Cunningham said committee.

Mr. Burroughs, chairman of the committee on enrolled bills, reported that they have examined an act to incorporate the town of Springfield. Also,

An act to define the time of holding the courts in the several Judicial Districts. Also,

An act authorizing persons who have received donation certificates, who were in the battle of San Jacinto and other battles, to alienate said certificates and the lands acquired under them; and find the same correctly enrolled: Having been signed by the Speaker of the House of Representatives, and President of the Senate, were this day presented to his Excellency the Governor, for his approval.

Read and accepted.

A bill to be entitled an act to compel those who locate upon the public lands of this State, to have the same surveyed.

Read a second time, and

On motion of Mr. Mosely,

Referred to the committee on public lands.

A bill to be entitled an act to incorporate Cherokee Academy.

Read a second time, and

On motion of Mr. Reagan,

Ordered to be engrossed.

Report of the committee on Finance, asking to be discharged from the further consideration of the petitions of James Smith and Samuel H. Reed.

Read and adopted.

A bill to be entitled an act for the relief of Horace L. Upshur.

Read a second time, and

On motion of Mr. Walling,

Was ordered to be engrossed by the following vote:

Yeas—Messrs. Allen, Armstrong, Bourland, Bryan, Crump, Crutcher, Dennis, Dooley, DeCordova, Eddy, Fields, Gilliam, Hardeman, Keenan, Lewis, Lott, Lyons, Mosely, McCown, McNeill, Neal, Perry, Potter, Rains, Rayner, Reagan, Shannon, Shaw, Sterne, Stout, Stoddard, Stuart of Galveston, Stewart of Gonzales, Taylor, Truit, Walling, Winkler, White and Willie—39.

Nays—Messrs. Bogart, Cunningham, Miller of H. Millican, Pease, Webb and Wren—7.

Leave of absence was granted to Mr. Cunningham for the remainder of the session.

A message was received from the Senate, informing the

House, that the Senate had passed an act regulating attachments, with amendments. Also,

An act to incorporate Berkley Academy of Montgomery county, with amendments. Also,

An act concerning the forfeiture of certain neat cattle, with amendments. Also,

A bill to be entitled an act better defining the boundaries of Walker county. Also,

An act to amend an act creating the county of Polk; approved March 30th, 1846.

On motion of Mr. Crutcher,

The House adjourned until 3 o'clock, p. m.

3 o'clock, p. m.

The House met pursuant to adjournment;

The roll was called, and

A quorum was found present.

The House then proceeded to business.

Report of the committee of conference on the bill authorizing persons who have received donation certificates under the provisions of an act granting land to those who were in the battle of San Jacinto, and other battles, passed Dec. 21st, 1837:

Read and adopted.

A bill to be entitled an act to incorporate the Huntsville Male Institute, was

On motion of Mr. Keenan,

Read by its caption a second time, and ordered to be engrossed.

A bill to be entitled an act changing the name of R. W. Peacock; was

On motion of Mr. Davis of R.,

Read by its caption a second time.

Mr. Reagan moved to refer the bill to the committee on State affairs;

Which was lost:

The question on the engrossment of the bill was then taken, and

Carried.

Substitute for a bill to be entitled an act to regulate the killing of neat cattle, reported by the select committee;

Was read and adopted; and

On motion of Mr. Bryan,

Was ordered to be engrossed.

A bill to be entitled an act supplementary to an act entitled an act to restore lands sold for taxes, and bid in by the Government, to the former owners, approved April 27th, 1846.

Read a second time, and

On motion of Mr. Gilliam,

Ordered to be engrossed.

A bill to be entitled an act to create the county of Cook, Substitute offered by Mr. Bogart,

Read and adopted, and

On motion of Mr. Bogart.

Ordered to be engrossed.

A bill to change the Northern boundary line, of Limestone county.

Read a second time, and

On motion of Mr. Davis of R.,

Ordered to be engrossed.

A bill to be entitled an act authorizing the Galveston City Company, to change the plan of a certain block of lots in the city of Galveston, and authorizing the city and county authorities to use one of the public squares of said city for city and county buildings, was

On motion of Mr. Stuart of Galveston,

Read by its caption a second time, and

Ordered to be engrossed.

A bill to be entitled an act prescribing the mode of establishing the liabilities of drawers and endorsers of bills of exchange and promissory notes.

Amendments proposed by the committee.

Read and adopted, and

On motion of Mr. Armstrong,

Ordered to be engrossed.

A bill to be entitled an act authorizing the Governor of the

State of Texas to employ counsel in certain cases therein named.

Read a second time, and

On motion of Mr. Stuart of Galveston,

Referred to the judiciary committee.

A bill to be entitled an act to provide for the issue of patents on certificates, that have been conditionally recommended.

Substitute offered by the committee.

Read and adopted.

And on motion of Mr. Reagan,

The bill was made the order of the day for Wednesday next, March 1st.

Mr. Davis of R., moved a call of the House, which was Carried, and

A quorum was found present.

On motion of Mr. Stuart of Galveston,

The call of the House was suspended.

Substitute offered by the judiciary committee for the bill to require Clerks and Sheriff's to keep their offices at the county seat.

Read and adopted.

Mr. Fields offered the following amendment; insert after the words county courts, wherever it occurs in the bill, and Chief Justices of counties.

Mr. Eddy moved a call of the House which was carried, and a

Quorum found present.

On motion of Mr. Walling,

The call was suspended.

On motion of Mr. Stout,

Mr. McCown was excused from answering to the call of his name.

The question on Mr. Fields amendment was taken and lost by the following vote:

Yeas—Messrs. Speaker, Bogart, Bourland, Davis of L., Dennis, DeCordova, Epperson, Fields, Haynie, Lewis, Lyons, Miller of H., Rayner, Reagan, Shannon, Stuart of Galveston, Walling, White and Willie—19.

Nays—Messrs. Allen, Armstrong, Bryan, Davis of R., Dooley, Eddy, Edwards, Gilliam, Hardeman, Keenan, Miller of C., Millican, Mosely, McNeill, Neal, Pease, Perry, Rains, Rob-

ertson, Runnels, Saddler, Shaw, Stout, Stoddard, Taylor, Truit and Webb—26.

Question on the engrossment was then taken and carried.

Mr. Eddy asked to have the following protest spread on the journals:

The undersigned respectfully begs leave to enter, upon the Journals of the Hon. House of Representatives his protest against the passage of a bill in this House this morning, entitled an act to provide for the assessment and collection of Taxes.

The undersigned solemnly protests against the passage of said bill: 1st. Because in his humble opinion the 17th section of said bill, which provides for and requires that all persons who may own land or other property liable to taxation, situated in any other county than that in which such person may reside, to pay all taxes due upon the same to the Comptroller of Public Accounts, or the county in which the lands may be situated, is impracticable.

The undersigned believes that it is the duty of the Legislature to enact such laws as will secure the payment of taxes which may be imposed, with as little trouble and expense to the citizen and tax payer as possible.

And the undersigned does not believe that the object desired by the friends of the bill will ever be attained under its provisions, and that a less amount of taxes will accrue to the state under the provisions of this bill, than has been paid under the old law, however objectionable it may be considered; and while the state will not be benefitted by this act, great confusion will and must exist, and many citizens who have heretofore contributed to the support of our State Government, will under the provisions of this bill, be deprived of their lands, and the undersigned does not believe that is expedient or practicable to require taxes to be paid in any other county than that in which the tax payer may reside in this state; and in the opinion of the undersigned the 17th section of said bill will become a dead letter upon the statute book, and will not be enforced except at the next session of the Legislature by a general relief bill, and members will come to this hall at the next session of the Legislature instructed to repeal this objectionable and onerous law.

Experience in the past history of legislation in taxes has taught us that it is better that the statute book remain a blank

than that laws should be enacted which cannot be enforced or are doubtful in their operation.

Again, the undersigned most solemnly protest against the passage of said bill, in the name of three hundred and fifty tax payers whose interest he represents in this branch of the State Legislature, because the passage of said bill imposes a burthensome and onerous tax on the honest and industrious citizen and cultivator of the soil, by requiring them to perform a journey of six hundred miles to the office of Comptroller of Public Accounts and back, to give in and pay their taxes, or to some frontier county, the line of which is yet undefined—when they may unfortunately have or own a small tract of land, and which they may have acquired as an emigrant or settler in the wilds of Texas at an early period of her existence as a government, or for services in the Revolutionary struggle for the liberty we now enjoy, or suffer the same to be sold for the taxes to some unprincipled land thief or speculator.

The payment of the amount of tax imposed by the Legislature for the support of a State Government is in the opinion of the undersigned, a sufficient tax upon the people without requiring them to travel hundreds of miles to give in and pay their taxes or lose their lands.

The undersigned would further protest that citizens of Jasper county give in and pay taxes on three hundred and twenty-nine thousand two hundred and ninety-one acres of land being situated in other counties than that in which they now reside, and that taxation is authorized when there is no representation, is a principle repugnant to our institutions.

Z. WMS. EDDY.

I concur in the opinions expressed in the foregoing protest and subscribe to the doctrines which it sets forth. I further object to the bill alluded to on account of its being vague and indefinite in its provisions.

JAMES WILLIE.

We concur fully in the foregoing opinions and join our protest against the passage of the bill.

J. B. ROBERTSON.
WM. C. EDWARDS.

A bill from the Senate authorizing and requiring the transfer of the succession of Alexander Jourdan, deceased, from the county of Nacogdoches to the county of Rusk.

Read a first time.

A bill from the Senate entitled an act for the relief of James Stewart.

Read a first time.

Joint resolution from the Senate for the benefit of the Texas Volunteers called into the service of the country in the year 1846.

Read a second time, and

On motion of Mr. Stout,

Passed to a third reading.

A bill from the Senate to be entitled an act for the relief of Keziah Taylor whose maiden name was Keziah Cryer.

Read a first time,

A bill from the Senate to be entitled an act to authorize John H. Reagan and his associates to open and construct a turnpike road from the town of Buffalo on the Trinity river across the bottom to the highland on the west side in the direction of the town of Corsicana.

Read a first time.

Resolution from the Senate for the relief of J. W. E. Wallace.

Read a first time.

Joint Resolution for the relief of Moses Evans.

Read a first time.

A bill to be entitled an act to legalize the marriage of Eli and Ann Eliza Gray.

Read a first time.

A bill to be entitled an act for the relief of purchasers of Austin city lots.

Read a first time.

A bill to be entitled an act authorizing the Commissioner of the General Land Office to receive fees for work where the State is not interested.

Read a first time.

A bill to be entitled an act to provide for the enumeration of the inhabitants of the State of Texas for the year 1848.

Read a first time.

Joint Resolution instructing our Senators and requesting our Representatives in Congress to procure the passage of an

act of Congress concerning the establishment of a line of Military Posts and relative to trade and intercourse with Indians.

Read a first time.

A bill to be entitled an act to regulate the price of land patents.

Read a second time; and

On motion of Mr. Webb,

Referred to the Judiciary committee.

A bill to be entitled an act to permit married women to devise their separate property.

Read a second time, and

On motion of Mr. Willie,

Referred to the Judiciary committee.

A bill regulating estrays.

On motion of Mr. Fields,

Was laid on the table.

A bill to be entitled an act to regulate proceedings by certioraria and supercedeas in civil causes.

Read a second time; and

On motion of Mr. Armstrong,

Referred to the Judiciary committee.

A bill to be entitled an act to establish the University of Eastern Texas.

Read a second time; and

Referred to the committee on Education.

A bill to locate the county seat of Cass county.

Read a second time, and

On motion of Mr. Mosely,

Referred to the committee on county boundaries.

A bill to be entitled an act authorizing the Secretary of State to have bound the enrolled bills and laws in his office, &c.

Read a third time and passed.

A bill to be entitled an act authorizing the Governor to have certain laws published in the German and Spanish languages, together with the substitute offered by the committee on State Affairs.

Read.

On motion of Mr. Stuart of Gaveston,

The House adjourned until to-morrow morning 9 o'clock.

House of Representatives,
Austin, March 1st, 1848

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names :

Messrs. Speaker, Bogart, Bourland, Burroughs, Carothers, Crump, Crutcher, Davis of L., Davis of R., Dennis, DeCordova, Eddy, Edwards, Fields, Gilliam, Hardeman, Haynie, Keenan, Lyons, Miller of C., Miller of H., Millican, Mosely, McNeill, Neal, Pease, Perry, Rains, Rayner, Reagan, Robertson, Runnels, Saddler, Shannon, Shaw, Sterne, Stout, Stoddard, Stuart of Gal., Stewart of Gon., Taylor, Truit, Webb, Winkler, White, Willie and Wren,

A quorum being present,

The Journal of the preceding day was read and adopted.

Mr. Sterne presented the petition of Mary Nash,

On motion,

The petition was referred to the committee on Public Lands without reading.

Mr. Potter presented the petition of the citizens of Galveston.

On motion,

The petition was referred to the committee on State Affairs:

Without reading.

Mr. Stuart, Chairman of the committee on Finance, made the following report:

The committee on Finance, to whom was referred a "Joint Resolution for the relief of N. R. Mallon and others" members of John C. Hays' company in the year 1842," have had the same under consideration, and have instructed me to report the accompanying substitute for the Joint Resolution, and to recommend its passage.

Report received, and the Joint Resolution and substitute laid upon the table to come up in their regular order.

Mr. Stuart Chairman of the committee on Finance also made the following report:

The committee on Finance, to which was referred a bill to be entitled "an act making an appropriation for the support and service of the Government, for the years 1848 and 1849," have had the same under consideration, and have instructed me to report the bill back to the House, with the accompanying substitute.

Report received; and the bill and substitute laid upon the table, to come up in their regular order.

Mr. Carothers, Chairman of the committee on county boundaries, made the following report:

The committee on county boundaries, to whom was referred a bill to be entitled "an act to locate the county seat of Cass county," have had the same under consideration, and a majority of said committee have, after amending the 7th section of said act, instructed me to report the bill back to the House, and to recommend its passage as amended.

Report received and the bill laid upon the table to come up in its regular order.

Mr. Bryan, Chairman of the committee on Engrossed Bills, made the following report:

The committee on engrossed bills have examined a "Joint Resolution for the relief of Henry M. Smith," and a bill to be entitled "an act to raise a revenue by taxation," and find the same correctly engrossed.

Report accepted.

Mr. Mosely made the following report:

The undersigned, a majority of the committee, to whom was referred a bill to be entitled "an act authorizing and requiring the Comptroller of Public Accounts to settle the accounts of Martin Glover, late Sheriff of Bowie county," have had the same under consideration, and find the sum of four hundred & fifty nine dollars, to be due the said Glover for monies advanced and services rendered, and money due the said Glover. They, therefore, have provided a substitute for said bill, which authorizes the Comptroller of Public Accounts to audit the account of said Glover, and to class it among the acknowledged debts due from the late Republic of Texas.

The committee deem it proper to remark that the substitute herewith submitted requires the payment of no money; but the mere acknowledgement of a debt, contracted for services and monies due, and expended for the purpose of enforcing the laws of the country.

All of which is respectfully submitted, for the favorable consideration of the House.

Signed,

SAM. MOSELY.

H. R. RUNNELS.

J. B. ROBERTSON.

Report received, and the bill and substitute laid upon the table, to come up in their regular order.

Mr. Miller, of H., introduced a bill to be entitled an act supplementary to an act to establish the Judicial Districts of the District Courts.

Bill read a first time.

Mr. Miller, of H., also introduced a bill to be entitled an act to define the time of holding the District Courts in the 9th Judicial District of the State of Texas.

Bill read a first time.

Mr. Miller, of H., also introduced a bill to be entitled an act to provide for removing the Supreme Court to the town of Huntsville.

Bill read a first time.

Mr. Millican introduced the following resolution:

Resolved, That, with the concurrence of the Senate, the two

Houses of the Legislature stand adjourned on Monday, the 13th inst., at 12 o'clock *sine die*.

Resolution read, and,

On motion of M. Pease,

Made the special order of the day for Monday next.

On motion of Mr. Stuart. of Galveston,

The House proceeded to the orders of the day.

A bill to be entitled "an act to incorporate the Berkley Academy, of Moontgomery county," together with the amendments proposed by the Senate, were taken up.

Amendments read and concurred in.

A bill to be entitled an act regulating attachments, together with the amendments proposed by the Senate, were taken up.

Amendments read and concurred in.

Mr. Miller, of H., moved that a call of the House be made,
Motion lost.

A bill to be entitled "an act regulating the killing of neat cattle," together with the amendments proposed by the Senate, were taken up.

Amendments read and concurred in.

A joint resolution (which originated in the Senate,) providing for the appointment of some suitable person to take charge of the Capitol, &c., together with the amendments proposed by the House of Representatives, and the Senate's refusal to concur in said amendments, were taken up and read.

The House refused to recede from its amendments.

A joint resolution for the relief of the Texas Volunteers, called into the service of the country, in the year 1846, was taken up, read a third time, and passed.

A message was received from the Senate, informing the House of the passage, by that body, of a bill to be entitled "An act to authorize the issuance of land patents to the assignees of Sheriffs, Executors, Administrators and Guardians."

A "joint resolution for the relief of Louis Sanchez:"

A "joint resolution auditing and acknowledging the claim of Stuart Perry against the late Republic of Texas:" and

A bill to be entitled "An act to incorporate the Williamson Academy,

A bill to be entitled "An act to provide for revising the statute laws of the State of Texas," was taken up, and

Read a third time and passed.

A bill to be entitled "An act to amend the 43d section of 'an act punishing crimes and misdemeanors,' approved December the 21st, 1836," was taken up, and

Read a third time.

Mr. Moseley moved that the bill be moved be made the special order of the day for the 10th inst.

Motion lost.

Question—Shall the bill now under consideration of the House, be passed?

The House decided in the affirmative.

A bill to be entitled "An act to amend the 17th and 19th sections of 'an act regulating Juries,'" was taken up, and

Read a third time and passed.

Mr. Stuart, of Galveston, in the chair.

A "Joint resolution authorizing the Commissioner of the General Land Office to issue a patent to Edward Hall, was taken up,

Read a third time and passed.

A bill to be entitled an act to amend an act for the relief of Jonathan Bird, passed January the 8th, 1845, was taken up, and

Read a third time.

The yeas and nays were called on the final passage of the bill, and stood as follows:

Yeas—Messrs. Allen, Bogart, Bourland, Crump, Davis of R., Dennis, Dooley, De Cordova, Epperson, Fields, Haynie, Keenan, Lewis, Lott, Miller of H., Moseley, McCown, Neal, Reagan, Shannon, Sterne, Stout, Stoddard, Taylor, Truit, Winkler, White and Wren—28.

Nays—Messrs. Armstrong, Burroughs, Bryan, Carothers, Eddy, Edwards, Hardeman, Lyons, Miller of C., Millican, Pease, Perry, Potter, Rains, Rayner, Robertson, Ruinels, Saddler, Shaw, Stuart of Gal., Stewart of Gon., Webb and Walling—23.

The chair decided that the bill was rejected—two-thirds of the members present not having voted for its passage.

Mr. Moseley appealed from the decision of the chair.

The yeas and nays were called, in reference to the decision of the chair, and stood thus:

Yeas—Messrs. Armstrong, Burroughs, Bryan, Carothers, Dennis, Dooley, De Cordova, Eddy, Edwards, Hardiman, Lott, Lyons, Miller of C., Millican, Pease, Perry, Potter, Rains, Rayner, Robertson, Shaw, Stout, Stuart, of Gal., Stewart, of Gon., Truit, Webb, Walling, White and Wren—29.

Nays—Messrs. Allen, Bogart, Bourland, Crump, Crutcher, Davis, of R., Epperson, Fields, Haynie, Lewis, Miller, of H., Mosely, McNeill, Neal, Reagan, Saddler, Sterne, Stoddard, Taylor and Willie—20.

The decision of the chair was sustained.

Mr. Crutcher, by leave, introduced a bill to be entitled "an act regulating enclosures."

Bill read a first time.

Mr. Robertson, by leave, made the following report :

The committee on Internal Improvements, to whom was referred a bill to be entitled "An act to incorporate the Galveston Manufacturing Company," have had the same under consideration, and have instructed me to report the bill back to the House, and to recommend its favorable consideration.

Report received, and the bill laid upon the table, to come up among the orders of the day.

A joint resolution relative to a line of military posts on our frontier ; and to regulate intercourse with the Indian tribes on our border, was taken up.

Mr. Willie moved that the bill be made the special order of the day for to-morrow.

Motion carried.

A bill to be entitled an act to regulate the descent and distribution of intestates' estates, was taken up, and

Read a second time.

On motion of Mr. Armstrong,

The bill was ordered to be engrossed.

Mr. Lewis, by leave, introduced a bill to be entitled an act to regulate the time of holding Courts in the 4th Judicial District.

Bill read a first time.

Mr. Lewis moved that the rule of the House, which requires bills to be read on three several days, be suspended.

Motion carried.

The bill was then read a second time, and

On motion of Mr. Lewis,

Ordered to be engrossed.

Mr. Pease moved the joint resolution for the relief of J. W. E. Wallace, be taken up.

Motion carried.

The joint resolution was then read a second time, and,

On motion of Mr. Pease,

Referred to a select committee.

The chair appointed Messrs. Pease, Dennis, Crutcher, Hardeman and Perry, to constitute said committee.

A bill to be entitled an act to provide for the issuance of patents, which have been conditionally recommended, was taken up and read.

On motion of Mr. Runnels,

The bill was laid upon the table.

On motion of Mr. Fields,

The House adjourned until 3 o'clock, p. m.

3 o'clock, p. m.

The House met, pursuant to adjournment.

The Roll was called, and a quorum found present.

A bill to be entitled an act authorizing the Governor to cause certain laws to be published, in the German and Spanish languages, was taken up.

On motion of Mr. Lewis,

The bill was laid upon the table.

A bill to be entitled an act to amend an act to incorporate the Colorado Navigation Company, was taken up, and

Read a first time.

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills have examined a bill to be entitled an act to organize Justices Courts, and to define the

power and jurisdiction of the same : and find the same correctly engrossed.

Report accepted.

—

A bill to be entitled an act to amend the 17th section of an act to establish and incorporate Marshall University, approved January the 18th, 1842, was taken up, and

Read a second time.

On motion of Mr. Taylor,

The bill was ordered to be engrossed.

A bill to be entitled an act to incorporate the Medical and Surgical Society of the State of Texas, was taken up.

On motion of Mr. Willie,

The bill was referred to the committee on State Affairs.

A joint resolution for the relief of Stuart Perry, was taken up, and

Read a second time.

On motion of Mr. Willie,

The resolution was laid upon the table.

On motion of Mr. Raynor.

Mr. Perry was added to the committee on Internal Improvements.

A bill to be entitled an act to incorporate the Trinity Navigation Company, was taken up, and

Read a first time.

Mr. Dooley, by leave, made the following report:

The special committee, to whom was referred a bill, to be entitled "An Act, to secure the colonists of Fisher & Miller's colony, the lands to which they may be entitled," and a substitute for said bill, together with the report of the committee on State Affairs thereon, have had the same under consideration, and, being convinced of the necessity and *policy* of prompt Legislation on the subject matter, have instructed me to report the accompanying bill, as a substitute for both the bills referred to the committee, and to respectfully recommend its passage.

Substitute read and adopted.

And, on motion, ordered to be engrossed.

On motion of Mr. Rayner,

Leave of absence was granted to the Hon. Wm. E. Crum, for the remainder of the session.

A bill, (from the Senate,) to be entitled "An Act, to provide for the election of Electors, of President and Vice President of the United States," was taken up and read a first time.

A bill, (from the Senate,) to be entitled "An Act, to define the time of holding the Courts in the Tenth Judicial District," was taken up, and read a first time.

A bill, (from the Senate,) to be entitled "An Act, to incorporate the Town of Palestine, in Anderson county," was taken up, and read a first time.

A bill, to be entitled "An Act, for the relief of Michael Short," was taken up, and read a second time.

On motion of Mr. Crutcher,

The bill was ordered to be engrossed.

A "Joint resolution instructing our Senators, and requesting our Representatives in the Congress of the United States, to use their influence to have a law passed extending the jurisdiction of this State, over one-half of the Sabine river, Pass and Lake, &c.," was taken up, and read a second time.

On motion of Mr. Eddy,

The bill was referred to the committee on State Affairs.

The "Joint resolution relative to the establishment of a line of Military Posts, from Fort Washita, on Red river, to the Paso del Norte, on the Rio Grande," was taken up.

On motion of Mr. Willie,

The joint resolutions were made the special order of the day for March the 2d, instant.

The "joint resolution for the payment of Thomas J. Jennings, as a Special Judge of the Supreme Court," being the substitute offered by the committee on the Judiciary, for the original was taken up, read and adopted.

Mr. Davis, of Robertson, moved that the resolution be passed to a third reading.

The yeas and nays were called on the adoption of the motion of Mr. Davis, and stood as follows:

Yeas—Messrs. Speaker, Bogart, Bourland, Bryan, Crutcher, Davis of L., Davis of R., Eddy, Edwards, Fields, Harde-
man, Lewis, Lott, Lyons, Miller of H., Mosely, McCown, Mc-
Neill, Pease, Potter, Reagan, Runnels, Shaw, Sterne, Stoddard,
Stewart of Gonzales, Taylor, Truit, Walling, and White—30.

Nays—Messrs. Burroughs, Carothers, Dennis, Epperson,

Gilliam, Haynie, Miller of C., Perry, Raynor, Robertson, Stout, Stuart of Galveston, Webb, Winkler Willie and Wren—16.

Motion carried.

A bill to be entitled "An Act for the protection of certain land titles," together with the report of the committee on Public Lands thereon, were taken up.

Report read and adopted.

A bill to be entitled "An Act to better define the boundaries of Guadalupe county," was taken up, and read a second time.

On motion of Mr. Davis, of Robertson,

The bill was referred to the committee on County Boundaries.

A bill to be entitled "An Act to define the boundaries of the county of Refugio," was taken up.

On motion of Mr. Mosely,

The bill was read a second time by its caption, and referred to the committee on County Boundaries.

A bill to be entitled "An Act to provide for the more certain collection of the taxes for the years 1846 and 1847," together with a substitute therefor, were taken up.

Substitute read and adopted.

On motion of Mr. Armstrong,

The bill was ordered to be engrossed.

The report of the committee on County Boundaries, in relation to the petition of the citizens of Cherokee county, was taken up, read and adopted.

A bill to be entitled "An Act to prevent the cutting and carrying away timber from land on which the owner does not reside," together with the substitute therefor, offered by the committee on the Judiciary, were taken up.

Substitute read and adopted.

Mr. Reagan offered the following as an amendment to the bill:

In the second section of the bill, strike out the word "shall," and insert instead thereof, "And may, at the discretion of the court."

Amendment rejected.

Mr. Stewart, of Gonzales, offered the following as an amendment to the bill:

That the penalties of this act shall not extend to persons

having *color of title*. to the lands trespassed upon, or to persons claiming by virtue of location and survey."

Amendment rejected.

Mr. Reagan offered the following as an amendment to the bill:

"*Provided*, That the provisions of this act shall never extend to any citizens of any county, where the survey trespassed upon has not been recorded in said county, according to law."

Amendment rejected.

Mr. Webb moved that the bill be engrossed.

The yeas and nays were called on the engrossment of the bill, and stood as follows:

Yeas—Messrs. Speaker, Allen, Armstrong, Burroughs, Bryan, Carothers, Crutcher, Davis of L., Davis of R., Dennis, Dooley, Eddy, Epperson, Fields, Gilliam, Hardeman, Haynie, Lewis, Lyons, Miller of C., Miller of H., Millican, McCown, McNeill, Pease, Perry, Potter, Raynor, Robertson, Sterne, Stout, Stewart of Gonzales, Webb, Walling, Winkler and White—36.

Nays—Messrs. Bogart, Bourland, Mosely, Rains, Reagan, Runnels, Shaw, Taylor, Truit, Willie and Wren—11.

Motion carried, and the bill ordered to be engrossed.

Mr. Taylor moved a reconsideration of the vote which passed a bill to be entitled "An Act to provide for the assessment and collection of Taxes."

Mr. Bourland moved that a call of the House be made.

On motion of Mr. Crutcher,

The House adjourned until to morrow morning, 9 o'clock.

House of Representatives,
City of Austin, March 2d, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Bur-

roughs, Carothers, Crutcher, Davis, of L., Davis of R., Dooley DeCordova, Eddy, Edwards, Fields, Gilliam, Hardeman, Haynie, Keenan, Lo't, Lyons, Miller of C., Miller of H., Millican, Mosely, Pease, Perry, Potter, Rains, Rayner, Reagan, Robertson, Runnels, Saddler, Shaw, Sterne, Stout, Stuart of Galveston, Stewart of Gonzales, Taylor, Truit, Webb, Walling, Winkler, White, Willie. and Wren.

A quorum present.

The Journal of the preceding day was read and adopted.

Mr. Gilliam asked leave of absence after Monday next, for the remainder of the session.

The House refused to grant him leave of absence.

Mr. Allen, chairman of the committee on State Affairs, reported:

The committee on State Affairs, to whom was referred a resolution instructing said committee to enquire into the expediency of devising some plan by which a portion of the seminary lands surveyed in Grayson county may be brought into market, &c, have had the same under consideration, and I am instructed to report it back to the House without action, and ask to be discharged from the further consideration of the resolution.

Read and received, to come up in order.

A message was received from the Senate, informing the House that the Senate had passed a bill, to be entitled an act, to authorize persons who had located lands through mistake, to float their claims or certificates, and re-locate the same elsewhere: Also, a bill to be entitled an act, to amend the several acts incorporating the city of Houston: Also, that they had concurred in the amendments of the House, to a bill to authorize the Secretary of State to cause all the unbound enrolled acts and joint resolutions of the late Republic of Texas, and of the first Legislature of the State of Texas, to be substantially bound for preservation in his office. Also, request that the bill regu-

lating attachments, which had been previously reported to the House, be returned to their body.

Mr. Willie moved that the Chief Clerk be instructed to inform the Senate that the bill regulating attachments, is beyond the control of the House.

Carried.

Mr. Allen, chairman of the committee on State Affairs, made the following report :

The committee on State Affairs, to whom was referred a resolution instructing the committee to enquire into the propriety of employing counsel to represent the State of Texas in the Federal Courts, in suits to which the State is a party, that have or may be brought in said Courts, and that said committee be requested to report as early as practicable, have instructed me to report, that the Judiciary committee have had a similar resolution under consideration, and will report a suitable bill, and therefore ask to be discharged from its further consideration. *

Which report was read and received, to come up in order.

Mr. Eddy, one of the Committee on State Affairs, also reported :

The Committee on State Affairs, to whom was referred a Joint Resolution instructing our Senators and requesting our Representatives in Congress to use their efforts to have a law passed to extend the jurisdiction of Texas over one-half of the waters of Sabine Pass, Lake and River, have had the same under consideration, and have instructed me to report the same as amended, and recommend its passage.

Read and received, to come up in order.

Mr. Carothers, chairman of the committee on Counties and County Boundaries, reported :

The committee on Counties and County Boundaries to whom

was referred a bill to be entitled An Act better to define the boundaries of Guadalupe county have had the same under consideration, and a majority of said committee have instructed me to report the same back to the House, and recommend its passage.

Read and received, to come up in order.

Mr. Keenan, chairman of the committee on Education reported :

The committee on Education, to whom was referred a bill to be entitled An Act to establish the University of Eastern Texas, have had the same under consideration, and instruct me to report it back to the House, and recommend its passage.

Read and received, to come up in order.

Mr. Bryan, chairman of the committee on Engrossed Bills, reported :

That they have examined a bill to be entitled An Act to incorporate the Huntsville Male Institute, and find the same correctly engrossed.

Read and accepted.

Mr. Crutcher, one of the Select Committee, reported :

Your Special Committee, to whom was referred a Joint Resolution for the relief of J. W. E. Wallace, have had the same under consideration, and have instructed me to report that they have examined the claim and vouchers of Mr. Wallace, and believing the claim to be such an one as calls for Legislative action, they report the bill back to the House, and recommend its passage.

Read and received, to come up in order.

Mr. Fields, chairman of a Select Committee, reported :

The Select Committee, to which was referred a bill to be entitled An Act to apportion the Senators and Representatives of the Legislature among the several counties of the State, have had the same under consideration, and have agreed to make the following report :

The Committee have agreed on a basis of two thousand free whites, fractions of three-fourths to be entitled to a Representative ; and in making the apportionment under this basis, they do not conflict with that part of the constitution which provides that 'every new county shall vote with the county from which it was taken, until entitled by numbers to separate representation.

In one or two instances, the committee have agreed to allow districts or counties a Representative when the numbers are a small fraction less than fixed as a general rule, but only in cases where there was no adjoining county or territory that could be attached without conflicting with that portion of the constitution, above referred to.

The committee, also agree to leave with the honorable Senate the apportionment of her own members, and submit a substitute for the original bill, and recommend its passage.

(Signed,) .

SAM. BOGART,
WM. H. BOURLAND,
WM. FIELDS,
JAS. F. TAYLOR,
JAMES WILLIE,
A. STERNE.

Report received, and, together with the bill, laid upon the table, to come up in their regular order.

On motion of Mr. Bourland,

The rule was suspended, and the bill made the special order of the day for to-morrow at 11 o'clock, A. M.

Mr. Robertson moved that the bill be ordered to be printed.
Motion lost.

Mr. Crutcher introduced the following resolution :

Resolved, That no new business shall be introduced in this House after Saturday morning the 4th inst.

Resolution read and rejected.

Mr. Winkler introduced a bill to be entitled "An Act to authorise R. H. Porter to construct a turnpike road and establish a ferry on the Trinity River at Porter's Bluff."

Bill read a first time.

On motion of Mr. Bogart,

A bill to be entitled "An Act for the benefit of settlers in Mercer's and Peter's Colony," was taken from the table, and made the special order of the day for the 4th inst.

Mr. Stewart from Gonzales, introduced a bill to be entitled "An Act for the relief of Seth Marvin."

Bill read a first time.

A bill to be entitled "An Act to organize Justices' Courts, and to define the powers and jurisdiction of the same," was taken up ;

Read a third time and passed.

Mr. Sterne moved that the House adjourn until to-morrow morning 9 o'clock.

Motion lost.

Mr. Rayner in the Chair.

A bill to be entitled "An Act to raise a revenue by taxation," was taken up ;

Read a third time and passed.

A "Joint Resolution for the relief of Henry M. Smith," was taken up ;

Read a third time and passed.

A "Joint Resolution relative to the establishment of a line of Military Posts, from Red River to the Paso del Norte," being the special order of the day;

Was taken up and read.

Mr. McNeill moved that the other two Resolutions relative to the same subject, be also taken up.

Motion carried.

Mr. Dooley moved that these three resolutions, be made the special order of the day for Tuesday next.

Motion lost.

Mr. Reagan moved that the resolutions be referred to a select committee, with instructions to report, relative thereto, on to-morrow

Motion carried.

The Chair appointed,

Messrs. Reagan, Bourland, Robertson, Dooley and Stout, to constitute said committee.

Mr. Bryan, chairman of the committee on engrossed bills, made the following report:

The committee on engrossed bills have examined a bill to be entitled an "an act to regulate the descent and distribution of intestate's estates," and find the same correctly engrossed.

Report read and accepted.

A bill from the Senate, to be entitled "an act to locate the county seat of Cass county?"

Was taken up.

On motion of Mr. Mosely,

The bill was read a second time by its caption.

The amendments to the bill (offered by the committee on county boundaries,) were then read and adopted.

On motion of Mr. Mosely,

The bill was then passed to a third reading.

Mr. Burroughs, chairman of the committee on enrolled bills, made the following report:

The committee on enrolled bills have examined, and found correctly enrolled, the following bills, to-wit:

A bill to be entitled "an act to allow the County Court, of Fort Bend county to levy an additional tax."

A bill to be entitled "an act to authorize a special tax to be collected in the county of Guadalupe," and having been signed by the Speaker of the House of Representatives, and the President of the Senate, were this day presented to his Excellency, the Governor, for his approval.

Report read and accepted.

Mr. Stout moved that the House adjourn until to-morrow morning 9 o'clock. *

Motion lost.

The substitute offered by the committee on the Judiciary, for a bill to be entitled "an act relative to special Judges of the Supreme Court:"

Was taken up, and

Read a third time.

Mr. McNeill moved that the House adjourn until 3 o'clock, p. m.

Motion lost.

Question—Shall the bill now under consideration of the House be finally passed?

Mr. Bourland moved that the bill be laid upon the table.

Mr. Runnels moved that a call of the House be made.

Motion carried.

The roll was then called, and a quorum found present.

Mr. Burroughs moved that the call of the House be suspended.

Motion carried.

Mr. Bourland's motion to lay the bill upon the table, being in order the House proceeded to act upon the same.

The yeas and nays were called on the adoption of the motion and stood as follows:

Yeas—Messrs. Speaker, Allen, Bourland, Davis of R., Dennis, Dooly, Eddy, Edwards, Epperson, Fields, Hardeman, Lewis, Lott, Millican, Mosely, Pease, Rains, Rayner, Reagan, Runnels, Shaw, Sterne, Stuart of Galveston, Taylor and Walling—25.

Nays—Messrs. Armstrong, Bogart, Burroughs, Carothers, Crutcher, DeCordova, Gilliam, Haynie, Lyons, Miller of C., Miller of H., Perry, Potter, Robertson, Saddler, Stout, Stewart of Gonzales, Truitt, Webb, Winkler, White and Willie—23.

Motion carried.

On motion of Mr. Kunnels,

The House adjourned until 9 o'clock, to-morrow morning.

HOUSE OF REPRESENTATIVES,
Austin, March 3d, 1848.

The House met pursuant to adjournment;

The roll was called, and

The following members answered to their names.

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Bryan, Burroughs, Carothers, Crutcher, Davis of L., Davis of R., Eddy, Edwards, Fields, Gilliam, Haynie, Keenan, Lott, Lyons, Miller of C., Miller of H., Millican, Mosely, Pease, Perry, Potter, Rains, Rayner, Reagan, Robertson, Runnels, Saddler, Shaw, Sterne, Stout, Stoddard, Stuart of Gal., Stewart of Gon., Taylor, Truit, Walling, Winkler, Wheeler, White and Willie.

A quorum being present,

The Journals of the preceding day was read and adopted.

The House then proceeded to business.

Mr. Allen presented a proposition from T. Jefferson Chambers, to make a collection and digest of the Laws of the State of Coahuila and Texas and of Spain.

Which proposition was read, and

On motion of Mr. Allen,

Referred to a Select Committee.

The Chair appointed Messrs. Allen, Dooley, Mosely, Lewis and Pease, to constitute said committee.

* — *

Mr. Keenan, Chairman of the Committee on Education, made the following report :

The committee on Education, to whom was referred a bill to be entitled "An Act to incorporate the Goliad Statistical Society," have had the same under consideration, and have instructed me to report the bill back to the House, without action thereon, and to ask to be discharged from the further consideration of the subject.

Report read and received,

And the bill laid on the table, to come up in its regular order.

Mr. Carothers, chairman of the Committee on County Boundaries, made the following report :

The Committee on County Boundaries, to whom was referred a bill to be entitled "An Act to define the boundaries of Refugio county," have instructed me to report the same back to the House, without action thereon.

Report read and received,

And the bill laid upon the table, to come up in its regular order.

Mr. Bryan, chairman of the Committee on Engrossed Bills, made the following report :

The Committee on Engrossed Bills, have examined a bill to be entitled "An Act to incorporate the Cherokee Academy, in the town of Rusk, and in the county of Cherokee : Also,

A bill to be entitled "An Act creating the county of Cooke, in honor of Wm. G. Cooke : " Also,

A bill to be entitled "An Act authorizing the Galveston city Company to change the plan of a certain Block of Lots in the city of Galveston, and authorizing the county and city authorities to use one of the public squares of said city for city and county buildings : " Also,

A bill to be entitled "An Act to give each corporate county in this State, its own County Surveyor, Map and Records : " Also,

A bill, to be entitled "An Act regulating estrays : " Also,

A bill to be entitled "An Act to secure to the colonists of Fisher and Miller's colony the lands to which they may be entitled : " Also,

A bill to entitled "An Act prescribing the mode of establishing the liabilities of drawers and endorsers of bills of exchange and promissory notes : " Also,

A bill to be entitled "An Act for the relief of Horace L. Upshur : " Also,

A bill to be entitled "An Act to change the Northern boundary line of Limestone county : " Also,

A bill to be entitled "An Act supplementary to an Act to restore lands sold for taxes, and bid in by the Government, to the former owners : approved, April 27th, 1846 : " Also,

A bill to be entitled "An Act to require Sheriffs, Clerks of the District Courts and Clerks of the County Courts to keep their offices at the County Seat of their respective counties :"

Also,

A bill to be entitled "An Act to change the name of Ralph Wm. Peacock, to John Brown :"

Also,

A bill to be entitled "An Act to regulate the killing of neat cattle ;" and find the same correctly engrossed.

Report read and accepted.

Mr. Bogart introduced a bill to be entitled "An Act changing the name of the county seat of Collin county :"

Bill read a first time.

Mr. Bogart moved that the rule of the House requiring bills to be read on three several days be suspended :

Motion carried.

The bill was then read a second time, and

On motion,

Ordered to be engrossed.

Mr. Allen introduced a bill to be entitled "An Act to amend an Act to incorporate the city of New Braunfels ; passed, May 11th, A. D. 1846 :"

Bill read a first time.

Mr. Dooley made the following report :

The Special Committee, to whom was referred sundry Joint Resolutions in reference to our Indian relations, have had the same under consideration; and have instructed me to report the accompanying Joint Resolution, as a substitute for those referred to them, and to respectfully recommend its passage.

Report read and received,

And the Joint Resolutions and substitute laid upon the table, to come up in their regular order.

Mr. Reagan moved that the report and Joint Resolutions be made the special order of the day, for Monday next :

Motion carried.

Mr. DeCordova introduced a bill to be entitled "An Act to authorize the Commissioner of the General Land Office of the State of Texas, to issue patents to the different counties of this State for school purposes :"

Bill read a first time.

Mr. DeCordova then moved that the rule of the House, which requires bills to be read on three several days, be suspended. Motion lost.

Mr. Sterne introduced a bill to be entitled "An Act to incorporate the San Saba Company.

On motion of Mr. Rayner,

The bill was read by its preamble.

On motion of Mr. Stout,

The House proceeded to the orders of the day.

A bill to be entitled "An Act to regulate the descent and distribution of intestates' estates :"

Was taken up.

On motion of Mr. Keenan,

The bill was read a third-time and passed.

A bill to be entitled "An Act to locate the county Seat of Cass county :"

Was taken up,

Read a third time and passed.

The substitute for a bill to be entitled "An Act to apportion the representation among the several counties of this State :"

Was taken up,

Substitute read and adopted.

Mr. Reagan moved that the bill be engrossed.

Mr. Keenan proposed to amend the bill as follows :

After "Montgomery, Grimes and Walker," strike out "two members jointly," and insert, "one member each :"

Amendment rejected.

Mr. Stout moved to amend as follows :

After the words "Red River and Bowie," strike out "two members jointly," and insert, "one member each :"

Amendment rejected.

Mr. Keenan moved that the bill and amendments be laid upon the table until Thursday next :

Motion lost.

Mr. Runnels offered the following as an amendment to the bill :

Strike out "Bowie," after "Red River," and insert, after 'Bowie,' "one Representative :"

Amendment rejected.

Mr. Carothers moved that the bill and amendments be made the special order of the day, for Thursday next :

Motion lost.

Mr. Bogart moved a reconsideration of the vote rejecting Mr. Keenan's amendment :

Motion carried.

Question—Shall the amendment now under consideration of the House be adopted ?

The House decided in the negative.

Mr. Lyons moved that the sense of the House be now taken, on the previous question :

Motion lost.

Mr. Winkler moved to amend the bill as follows :

Strike out the portion of the bill in relation to the counties of Robertson, Limestone, Leon, Brazos and Navarro, and insert "the counties of Leon, Robertson and Brazos jointly, one member, and the counties of Limestone and Navarro jointly, one member :"

Amendment adopted.

Mr. Stewart of Gonzales, offered the following as an amendment to the bill :

After the counties of Gonzales and Guadalupe, and the parts of Lavacca and De Witt counties, taken from Gonzales county, strike out "one member jointly," and insert "two members jointly :"

Amendment rejected.

Mr. McCown moved to amend the bill as follows :

Strike out "Grimes, Montgomery and Walker :"

Amendment rejected.

Mr. Armstrong offered the following as an amendment to the bill :

Strike out "the counties of Sabine Jasper, Newton and Jefferson shall have two Representatives," and insert, "that the county of Sabine shall have one Representatives ; the counties of Jasper and Newton one Representative, and the county of Jefferson one Representative, as heretofore."

Amendment rejected.

Mr. Reagan offered the following as an amendment to the bill :

Insert the words "one member" after "Austin county."

Amendment rejected.

Mr. Miller of Houston moved to amend the bill by striking out "Houston and Anderson jointly, one member," and inserting "Houston and Anderson each, one member."

Amendment rejected.

Mr. Stout moved to amend the bill by inserting after the words "Red River and Bowie two members jointly," Red River, Bowie and Titus, one floater."

Amendment rejected.

Mr. Eddy offered a substitute for the bill and amendments.

Mr. Walling moved that the bill be engrossed.

Mr. Runnels moved that a call of the House be made.

Motion carried.

The roll was then called, and a quorum found present.

On motion of Mr. Carothers,

The call was suspended.

Mr. Dennis moved that the bill, substitute and amendments be indefinitely postponed.

Mr. Miller of Houston moved that a committee be raised to take the votes of members who were absent on account of sickness.

Motion carried.

Mr. McNeill moved a reconsideration of the vote raising a committee to wait upon absent members and receive their votes.

Motion carried.

Question—Shall the bill, now under consideration of the House, be indefinitely postponed?

The yeas and nays were called on the indefinite postponement of the bill and stood as follows:

Yeas—Messrs. Allen, Armstrong, Burroughs, Bryan, Crutcher, Dennis, Dooley, Hardeman, Keenan, Miller of C., Millican, McCown, Rayner, Railey, Stewart of Gonzales, Truit and White—17.

Nays—Messrs. Speaker, Bogart, Bourland, Carothers, Davis of L., Davis of R., DeCordova, Edwards, Epperson, Fields, Gilliam, Haynie, Lewis, Lott, Lyons, Miller of H., Mosely, McNeill, Pease, Potter, Rains, Reagan, Robertson, Runnels, Saddler, Shaw, Sterne, Stout, Stoddard, Stuart of Galveston, Taylor, Webb, Walling, Winkler, Wheeler, Willie and Wren—37.

Motion lost.

Mr. Keenan offered an amendment to the bill under consideration of the House.

The chair decided that the amendment (being printed,) was out of order; there being a rule of the House which requires all amendments to be in writing.

Mr. Reagan appealed from the decision of the Chair.

The vote of the House was taken and the decision of the chair sustained.

Mr. Miller of Houston moved that the House adjourn until 3 o'clock, p. m.

Motion lost.

Mr. Keenan asked for a few days time to write out his amendment.

The House refused to grant the request.

Mr. Carothers moved that the bill be referred to the committee on State Affairs.

Motion lost.

Question—Shall the bill now under consideration of the House, be engrossed.

The yeas and nays were called on the engrossment of the bill and stood as follows:

Yeas—Messrs. Speaker, Bogart, Bourland, Davis of L., DeCordova, Edwards, Epperson, Fields, Gilliam, Lewis, Lott, Lyons, Mosely, Perry, Potter, Reagan, Shaw, Sterne, Stout, Stuart of Gal., Taylor, Walling, Wheeler, Willie and Wren—25.

Nays—Messrs. Allen, Armstrong, Burroughs, Bryan, Carothers, Crutcher, Davis of R., Dennis, Dooley, Eddy, Hardeman, Haynie, Keenan, Miller of C., Miller of H., Millican, McCown, McNeill, Pease, Rains, Rayner, Robertson, Railey, Runnels, Saddler, Stoddard, Stewart of Gon., Truit, Webb, Winkler and White—31.

Motion lost.

A message was received from his Excellency, the Governor.

Mr. Carothers moved that the message be taken up and read.

Motion carried.

The Chief Clerk of the House then proceeded to read as follows:

Executive Office, }
 Austin, March 2d, 1848. }

*Gentlemen of the Senate
 and House of Representatives :*

In the general Message which I had the honor to lay before the Legislature at the commencement of the session, I did not advert specifically to the north-western portion of our State, including Santa Fe, for the reason that my recent induction into office afforded me no time to investigate the subject, or to inform myself fully as to the condition of that territory.

Since that time, however, events have transpired which cannot fail to awaken an interest and direct attention to that quarter of our frontier.

Credible information has reached the Executive, that a State Government, exercising civil jurisdiction, has recently been established in Santa Fé, within the legitimate and acknowledged boundaries of Texas, and that measures have been taken to call a convention of the people of that district for the avowed purpose of framing a State Constitution, preparatory to its annexation to the United States.

The Executive has given to this subject that consideration which its importance demands; and in submitting it to the Legislature with the facts in his possession relative to the present condition of Santa Fe, and the late proceedings of the acting authorities there, he feels assured of the concurrence and co-operation of your honorable body in maintaining the right of Texas to every foot of her territory.

It appears that the establishment of a separate and independent State Government in Santa Fé has the sanction of the authorities of the United States Government, acting in that quarter, and under whose protection all new Mexico is at this time placed, though the General Government has disclaimed all right to that territory, and has repeatedly recognized the right of Texas to that portion of it lying east of the Rio Grande.

Upon the commencement of hostilities between the United States and Mexico, Gen. Kearney was despatched with a requisite force to Santa Fé, with instructions from the General Government to take possession of the country, and reestablish a military Government, for the preservation of order and the protection of the rights of the people on that portion of the

Texas frontier. A question arose as to the right of the General Government to exercise a jurisdiction over that portion of our State. My predecessor, Governor Henderson, being unapprised as to the purposes and ultimate designs of the General Government, and doubting the justice of the jurisdiction which she was exercising, addressed a letter to the Secretary of State at Washington, under date of 4th of January, 1847, inquiring of the President "whether the proceedings of General Kearney were authorized or sanctioned by the General Government?" He also desired to be informed "if the General Government claimed any portion of the territory lying East of the Rio Grande and embraced within the limits of Texas, as declared by an Act of Congress, passed in December, 1836, to the exclusion of the claim of the State of Texas to the soil and jurisdiction over the same?" In reply to these inquiries, Mr. Buchanan, Secretary of State, in a letter dated at Washington 12th February, 1847, asserted "that the occupation of New Mexico by the troops of the United States was temporary, and that the government over it was military in its character, merely such a government as must exist under the laws of nations and of war, to preserve order and to protect the rights of the inhabitants, and that it would cease on the conclusion of treaty of peace with Mexico." "Nothing therefore," Mr. Buchanan concludes, "can be more certain than that this temporary government resulting from necessity, can never injuriously affect the rights which the President believes to be justly asserted by Texas, to the whole territory on this side of the Rio Grande, whenever the Mexican claim to it shall have been extinguished by treaty."

These assurances, on the part of the President of the United States, were satisfactory as regarded the recognition, by the General Government, of the right of Texas to all the territory embraced within the boundaries prescribed by law. But the late movements in Santa Fé, the establishment of a civil government independent of Texas, and the contemplated convention of the people of that territory for the purpose of annexing it to the United States, encouraged and supported by the officers of the United States, as it appears, I conceive to be at variance with the professions of the President, and dangerous to the rights and interests of the State.

The right of Texas to every foot of soil within her limits as prescribed by our laws, is no question with us. We have uni-

formly asserted and have always been able to maintain it.—The independence of Texas, with her territorial limits as defined by law in 1836, was acknowledged by the United States and the principal powers of Europe. The compact of annexation did not invalidate our title to any portion of our territory, nor has any thing transpired since our incorporation into the United States, or during the pendency of the war with Mexico to impair that title.

It cannot be presumed that the occupation of Santa Fé by troops drawn from other States could prejudice, in the least, our right to the territory; for had the Texas troops been ordered there instead of being sent to another quarter, they would have been amply sufficient to occupy the whole of that country, and to hold it in peaceable possession; in which event the establishment of a separate government in Santa Fé would have never occurred, and the projected dismemberment of our State (to which Texas will never submit) would not have been heard of. As a silent acquiescence in the late movements in Santa Fé might be construed into a submission to unauthorized encroachments, I respectfully recommend to the honorable Legislature the propriety of taking some legislative action upon the subject, in order that our delegation in Congress may feel authorized and instructed to remonstrate and protest if necessary, against the infringements of our rights, or the usurpation of our territory. Our Senators may be instructed to inquire into the policy and orders of the President, concerning the establishment of a government in Santa Fé, and they may be further instructed to oppose the ratification of any treaty in which it is not expressly stipulated that the boundaries of the State, as previously defined by the laws of the Republic of Texas, be recognized. I would, also, suggest to your honorable body the necessity of taking suitable legislative action for the immediate enforcement of our civil and political jurisdiction over that portion of Texas including Santa Fé. To effect this object, the Executive will cheerfully co-operate with you by carrying out such measures as you may see proper to adopt.

GEO. T. WOOD.

Mr. Bourland moved that the message be referred to the committee on federal relations.

Motion carried.

On motion of Mr. Carothers,
Messrs. Bourland, Haynie and Miller of Colorado, were added to the committee on federal relations.

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report:

The committee on Enrolled bills have examined a bill to be entitled "an act to amend an act creating the county of Polk," also,

A bill to be entitled "An act to create the county of Caldwell:" also

A bill to be entitled "an act providing for the sale of the property belonging to the State of Texas, and formerly used by the late government for custom purposes:" also

A bill to be entitled "an act better to define the boundaries of Walker county:" and find the same correctly enrolled; and having been signed by the Speaker of the House of Representatives, and the President of the Senate, were this day presented to His Excellency the Governor, for his approval.

Report read and accepted.

On motion of Mr. Potter,

Mr. Webb was excused from attendance on the House, in consequence of the indisposition of that gentleman.

A bill to be entitled "an act to establish the University of Eastern Texas," was taken up, and

Read a third time.

The yeas and nays were called on the final passage of the bill, and stood as follows:

Yeas—Messrs. Armstrong, Bogart, Bourland, Burroughs, Carothers, Crutcher, Davis of R., Dennis, Dooley, DeCordova, Edwards, Epperson, Hardeman, Haynie, Keenan, Lewis, Lott, Miller of H., Mosely, McCown, McNeill, Perry, Potter, Rains, Rayner, Reagan, Robertson, Shaw, Stoddard, Stuart of Gal., Taylor, Truit, Walling, Winkler and Wheeler—35.

Nays—Messrs. Bryan, Dennis, Fields, Miller of C., Milligan, Pease, Rains, Stout, and White—9.

So the bill was finally passed.

Mr. Sterne was excused from voting on the question.

A bill to be entitled "An act to incorporate the Huntsville Male Institute," was taken up, and

Read a third time.

The yeas and nays were called on the final passage of the bill, and stood thus:

Yeas—Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Carothers, Crutcher, Davis of R., Dooley, DeCordova, Edwards, Gilliam, Hardeman, Haynie, Keenan, Lewis, Lott, Miller of H., Mosely, McCown, McNeill, Perry, Potter, Rayner, Reagan, Robertson, Shaw, Sterne, Stoddard, Stuart of Cal., Taylor, Truit, Walling, Winkler and Wheeler—35.

Nays—Messrs. Bryan, Dennis, Fields, Miller of C., Millican, Pease, Rains, Truit and White—9

So the bill was finally passed.

A joint resolution (from the Senate) for the relief of J. W. E. Wallace, was taken up.

Mr. Lyons moved that the House adjourn until 3 o'clock, p. m.

Motion carried.

3 o'clock, p. m.

The House met pursuant to adjournment.

The Roll was called,

And a quorum found present.

The House then proceeded to business.

The joint resolution under consideration when the House adjourned, was taken up, and

Read a second time.

On motion, the joint resolution was passed to a third reading.

A bill to be entitled "an Act making an appropriation for the support of the government for the years 1848 and 1849," was taken up.

Mr. Willie moved that the bill be read by items.

Motion carried.

Mr. Haynie moved to strike out "600 dollars," and insert "750 dollars," as a salary for the Assistant Clerk of the State Department.

Motion lost.

Mr. Willie moved to strike out "750 dollars" as a salary for the Private Secretary of the Governor, and insert "600 dollars."

Motion carried.

Mr. Winkler moved to strike out "8" before "hundred dollars," and insert "6," as a salary for Draftsman of the General Land Office.

Motion lost.

Mr. Robertson moved to strike out "900," and insert "1200," before dollars," as salary of the Chief Clerk of the General Land Office.

Motion lost.

Mr. Fields moved to strike out "900," and insert "1200," before "dollars," as a salary for the Chief Clerk of the General Land Office.

The yeas and nays were called on Mr. Fields' motion, and stood as follows:

Yeas—Messrs. Speaker, Allen, Bourland, Burroughs, Bryan, Crutcher, Dennis, Davis of R., Dooley, DeCordova, Eddy, Fields, Hardeman, Haynie, Keenan, Lyons, Miller of C., McNeill, Perry, Robertson, Sterne, Stout, Stoddard, Stuart of Gal., Taylor, Truit, Walling and Willie—28.

Nays—Messrs. Armstrong, Bogart, Carothers, Davis of L., Epperson, Miller of H., Millican, Mosely, McCown, Pease, Potter, Rains, Rayner, Reagan, Railey, Runnels, Shaw, Stewart of Gon., and Winkler—20.

Motion carried.

Mr. Stuart of Gal. moved to strike out "600" before "dollars," in compensation of the Clerks of the Comptroller's office, and insert "800," for Book-keeper, and "600 dollars" for the Assistant Clerks.

Motion carried.

Mr. Haynie moved to strike out "600" before "dollars," and insert "700, as pay for all Assistant Clerks."

Mr. Robertson moved to amend the amendment, by adding "the Private Secretary of the Governor."

Amendment adopted.

Question—Shall the amendment proposed by the gentleman from Travis, as amended by the gentleman, from Washington, be adopted?

The yeas and nays were called on the adoption of the amendment, as amended, and stood as follows:

Yeas—Messrs. Speaker, Allen, Bourland, Crutcher, Dennis, Davis of R., Dooley, DeCordova, Fields, Hardeman, Haynie, Keenan, Lewis, Lyons, McNeill, Perry, Potter, Robertson, Shaw, Sterne, Stuart of Gal., Taylor and Willie—23.

Nays—Messrs. Armstrong, Bogart, Burroughs, Bryan, Carothers, Davis of L., Edwards, Epperson, Miller of C., Miller of H., Millican, Mosely, McCown, Pease, Rains, Rayner, Reagan, Railey, Runnels, Stout, Stewart of Gon., Truit, Walling, Winkler and White—25.

Amendment rejected.

Mr. DeCordova moved to strike out "one," and insert "two," before "Spanish Clerk in the General Land Office."

Mr. Reagan moved to amend the amendment as follows:

"*Provided*, That no copies of Spanish documents, shall be made and delivered, except for judicial purposes and by the order of the Supreme or District Courts of the State of Texas, or of the United States Courts: *provided also*, that the owners of such documents, by depositing the originals, may obtain one copy of the same, and no more."

Amendments rejected.

Question—Shall the amendment proposed (to the bill now under consideration of the House,) by the gentleman from Harris, be adopted?

The House decided in the negative.

Mr. Fields moved to strike out "800" before "dollars," as a compensation for the Spanish Clerk in the General Land Office, and insert "1000."

Amendment rejected.

Mr. Reagan moved to amend the bill as follows:

"For pay of the Special Judge of the Supreme Court, for the years 1847 and 1848, two hundred and fifty dollars."

Mr. Bourland moved to amend the amendment, by adding the letter "s," after the word 'Judge.'

Amendment adopted.

Question—Shall the amendment proposed by Mr. Reagan, as amended by Mr. Bourland, be adopted?

The yeas and nays were called on the adoption of the amendment as amended, and stood as follows;

Yeas—Messrs. Bourland, Davis of R., Edwards, Epperson, Fields, Keenan, Lewis, Lyons, Miller of H., Mosely, McCorn, McNeill, Reagan, Shaw, Sterne, Stewart of Gonzales, Taylor, Truit, Walling and White—20.

Nays—Messrs. Speaker, Armstrong, Bogart, Burroughs, Bryan, Carothers, Crutcher, Davis of L., Dennis, Dooley, De Cordova, Gilliam, Hardeman, Miller of C., Millican, Pease, Perry, Potter, Rains, Rayner, Robertson, Stout, Stuart of Gal., Winkler, Wheeler and Willie—26.

Amendment rejected.

Mr. Epperson moves to amend by striking out "1000," before "dollars," after the words "Attorney General," and inserting "1500."

Mr. Miller of H. moved to insert "1200," instead of "1500."

On motion, the question was divided.

Question—Shall the amendment proposed to the bill now under consideration of the House, by the gentleman from Houston, be adopted?

The House decided in the negative.

Question—Shall the amendment proposed to the bill now under consideration of the House, by Mr. Epperson, be adopted?

The House decided in the negative.

Mr. Carothers moved to amend the bill by striking out "400" before "dollars," and inserting "150," to defray the contingent expenses of the Comptroller's office.

Amendment adopted.

Mr. Bourland moved that the House adjourn until 10 o'clock, to-morrow morning.

Motion lost.

Mr. Mosely moved to amend the bill by inserting, after the word "seamen," the words "to the widow and children of the late Jonathan Bird, 350 dollars, being the balance due the said

Bird, according to an act of the Congress of the late Republic of Texas, approved January the 8th, 1845.

The chair decided the amendment out of order.

Mr. Mosely appealed from the decision of the chair.

The sense of the House was taken, in reference to the question under consideration, and the decision of the chair sustained.

Mr. Pease moved to amend the bill, by striking out, on the second page, "For payment of the pension of Mary Millsaps and family, two hundred dollars."

Amendment adopted.

Mr. Crutcher moved to amend the bill by striking out "four dollars," after the words "Clerks of the Legislature," and insert "five dollars."

The yeas and nays were called on the adoption of the amendment, and stood as follows:

Yeas—Messrs. Speaker, Allen, Bogart, Bourland, Burroughs, Bryan, Crutcher, Davis of R., Dooley, DeCordova, Gilliam, Haynie, Keenan, Lewis, McNeill, Pease, Potter, Rayner, Robertson, Runnels, Sterne, Stuart of Galveston, Taylor and Willie—24.

Nays—Messrs. Armstrong, Carothers, Davis of L., Dennis, Eddy, Edwards, Epperson, Fields, Hardeman, Lyons, Miller of C., Miller of H., Mosely, McCown, Perry, Rains, Reagan, Shaw, Stout, Stewart of Gonzales, Truit, Walling, Winkler, Wheeler and White—25.

Amendment rejected.

Mr. Gilliam moved to strike out "six hundred dollars, per annum," as a salary for the Private Secretary of the Governor, and insert "one hundred and seventy-five dollars per month during the session of the Legislature."

Amendment adopted.

Mr. Lyons moved a re-consideration of the vote which had rejected Mr. Crutcher's amendment to the bill under consideration of the House.

Motion carried.

Question: Shall the amendment proposed by the gentleman from Fayette, to the bill under consideration of the House, be adopted?

The yeas and nays were called on the adoption of the amendment, and stood as follows:

Yeas—Messrs. Speaker, Bogart, Bourland, Burroughs, Bryan, Crutcher, Dennis, Dooley, DeCordova, Haynie, Keenan, Lewis, Lyons, McNeill, Pease, Potter, Rayner, Robertson, Runnels, Sterne, Stuart of Gal., Taylor, Winkler and Willie—25.

Nays—Messrs. Armstrong, Carothers, Davis of Liberty, Davis of Robertson, Eddy, Edwards, Epperson, Fields, Harde-man, Miller of Colorado, Miller of Houston, Mosely, McCown, Perry, Rains, Reagan, Shaw, Stout, Stewart of Gonzales, Truit, Walling, Wheeler and White—23.

Amendment adopted,

Mr. Willie moved to amend the bill by striking out “\$4” as compensation of the Door-keeper, and inserting “\$5.”

Mr. Bourland moved to amend the amendment, by inserting “Sergeant-at-Arms” before “Door-Keeper.”

Amendment adopted.

Question: Shall the amendment, as amended, to the bill now under consideration of the House, be adopted?

The House decided in the affirmative.

Mr. Winkler moved that the vote of the House, on the amendment proposed by Mr. Gilliam, be reconsidered.

Motion carried.

Question: Shall the amendment proposed by Mr. Gilliam, to the bill now under consideration of the House, be adopted?

The House decided in the negative.

Mr. Davis, of Robertson, moved to amend the bill as follows:

Strike out “\$200” and insert “\$250,” for the payment of a pension to Col. J. C. Neill.

Amendment rejected.

Mr. Dooley proposed to amend the bill as follows:

After the word “dollars,” insert “one thousand dollars, for the translating and publishing, in the German and Spanish languages, the State Constitution, and such general laws now in force as the Governor may deem advisable, in accordance with the provisions of an act, approved April the 18th, A. D. 1846.”

Amendment adopted.

On motion of Mr. Bourland,

The House adjourned until to-morrow morning, 9 o'clock.

House of Representatives,
City of Austin, March 4, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Bryan, Carothers, Crutcher, Davis of Liberty, Davis of Robertson, Dennis, Dooley, DeCordova, Eddy, Edwards, Epperson, Fields, Gilliam, Hardeman, Haynie, Keenan, Lyons, Miller of H., Millican, Mosely, McCown, McNeill, Perry, Potter, Rains, Rayner, Reagan, Robertson, Runnels, Shaw, Sterne, Stout; Stoddard, Stuart of Galveston, Stewart of Gonzales, Taylor, Truit, Walling, Winkler, White and Willie.

A quorum present.

The Journal of the preceding day was read and adopted.

A message was received from the Senate, informing the House that the Senate had passed a bill to be entitled an act to create the county of Williamson, with amendments.

Mr. McNeill moved a reconsideration of the vote refusing to engross the bill to apportion the representation among the several counties of this State.

Carried, and

On motion of Mr. Keenan,

Referred to a select committee, to be composed of one member from each Senatorial District.

Mr. Stuart, of Galveston, asked leave of absence for the remainder of the session, after Monday next.

Granted.

On motion of Mr. Willie,

Leave of Absence was granted Mr. Gillian for the remainder of the session, after Monday Next.

Mr. Pease, chairman of the Judiciary committee, reported :

The committee on the Judiciary, to whom was referred a bill to be entitled an act to legalize certain headright certificates, issued by Geo. W. Miles, former Chief Justice of Liberty county, have considered the same, and a majority of said committee have directed me to report the bill to the House without amendment, and recommend its passage.

Read and received, to come up in order.

Mr. Allen, chairman of the committee on State Affairs, reported:—The committee on State Affairs, to whom was referred the memorial of practicing physicians of the city of Galveston, have again had the same under consideration, and, being convinced as heretofore, of the great utility of such a society to our State, have instructed me to report the same back, with the addition of the names of sundry eminent physicians residing in every section of the country, and to recommend it earnestly to the favorable consideration of the House.

Read and received, to come up in order.

Mr. Reagan, chairman of the committee on Public Lands reported:—

The committee on Public Lands, to whom was referred the petition of Mary Nash, have had the same under consideration, and instruct me to report the accompanying joint resolution and respectfully recommend its passage.

Read and received, to come up in order.

A joint resolution for the relief of Mark Noble was read a first time.

On motion of Mr. Sterne, the rule was suspended.

Bill read a second time, and ordered to be engrossed.

Mr. Bryan, chairman of the committee on Engrossed Bills reported—

The committee on Engrossed Bills have examined a bill to be entitled an act for the more certain collection of the taxes for the years 1846 and 1857; Also,

A bill to be entitled an act, to amend the seventeenth section of an act, to establish and incorporate the Marshall University, approved 18th January, 1842; Also,

A bill to be entitled an act to regulate the time of holding Courts in the Fourth Judicial District; Also,

A bill to be entitled an act for the relief of Michael Short; Also,

A Bill to be entitled an act prescribing the punishment for cutting down and carrying away, or destroying trees or timber upon any land without the consent of the owner; and find the same correctly engrossed.

Report read and accepted.

Mr. Crutcher introduced a bill to be entitled an act, to amend an act, to fix the pay and mileage of the members of the Legislature, approved April 13th, 1846.

Read a first time.

Mr. Davis, of Robertson, introduced a bill to be entitled an act, to amend the first section of an act, defining the mode of conveying property in which the wife has an interest.

Read a first time.

Mr. Robertson introduced a joint resolution granting a pension to John Frederick.

Read a first time.

Mr. Robertson moved a suspension of the rule.

Carried.

Bill read a second time, and

On motion of Mr. Carothers,

Referred to the committee on Claims and Accounts.

On motion of Mr. Robertson,

The committee on Claims and Accounts were instructed to report on said bill on Monday morning next.

On motion of Mr. Allen,

The orders of the day were taken up.

A bill for the relief of Lewis Sanches, was read a first time.

On motion of Mr. Winkler,

The rule was suspended.

Bill read a second time, and

On motion of Mr. Winkler,

Referred to a select committee.

The Chair appointed Messrs. Winkler, Sterne, Allen, Fields and Stout said committee.

Mr. Reagan moved to take up a bill to be entitled an act relative to settlers in Mercer's and Peters' colony.

Lost.

A bill to be entitled an act making appropriations for the support of the Government, for the years 1848 and 1849, being the first in order, was taken up.

Mr. Bryan moved to fill the blank making an appropriation for the Penitentiary, with ten thousand dollars, annually.

Mr. Willie moved to amend the amendment, by adding the following: "Which shall not be drawn, unless the Treasury can spare that amount."

Which was carried by the following vote

Yeas—Messrs. Speaker, Bogart, Bourland, Carothers, Crutcher, Davis of R., Dennis, Eddy, Epperson, Fields, Haynie, Keenan, Lyons, Rains, Reagan, Robertson, Runnels, Shaw, Sterne, Stuart of Gal., Stewart of Gon., Truit, Walling, Willie and Wren—25.

Nays—Messrs. Burroughs, Bryan, Davis of L., Dooley, DeCordova, Edwards, Hardeman, Miller of C., Miller of H., Millican, Mosely, McCown, McNeill, Pease, Perry, Potter, Rayner, Stoddard, Taylor, Walling and White—21.

Question on Mr. Bryan's amendments as amended was taken and carried.

Mr. Bourland offered the following amendment to come in at the end of the first section: for compensation of Charles De Morse, for publishing in the Northern Standard the case of the State vs. Charles Fenton Mercer and associates, \$130,00.

Mr. Davis of R., moved to strike out \$130,00 and insert \$100.

Carried.

Question—On the amendment as amended was then taken and carried.

Mr. Miller of H., moved to reconsider the vote of yesterday

refusing to strike out \$600 and insert \$750, for all assistant Clerks.

Lost.

Mr. Moseley moved to strike out \$400 for services of the Sheriff to the Supreme Court and insert "one hundred dollars for each term of said Court."

Mr. McCown moved to amend the amendment by striking out "one hundred" and inserting "two hundred dollars,"

Mr. McNeill called for a division of the question.

Mr. Willie moved a call of the House.

Carried.

On motion of Mr. Sterne,

The call of the House was suspended.

The question on striking out was then taken and carried by the following vote:

Yeas—Messrs. Armstrong, Bogart, Bourland, Burroughs, Bryan, Carothers, Crutcher, Davis of L., Davis of R., Dooley, Eddy, Edwards, Epperson, Fields, Gilliam, Hardeman, Lyons, Miller of C., Miller of H., Millican, Mosely, McCown, Perry, Rains, Rayner, Reagan, Robertson, Runnels, Shaw, Stout, Taylor, Truit, Walling, Winkler, White, Willie and Wren—37.

Nays—Messrs. Speaker, Dennis, DeCordova, Haynie, Lewis, McNeill, Potter, Stuart of Gal. and Stewart of Gonzales—10.

The Question on Mr. McCown's amendment was then taken and carried.

Mr. Epperson offered the following additional section :

Section — That \$1500 is hereby appropriated for the transportation and distribution of the laws passed by this Legislature to and among the several counties of the State, to be drawn upon the draft of the Secretary of State.

Mr. Fields moved to amend by striking out 1500 before dollars and inserting "one thousand."

Mr. Carothers moved to adjourn until 3 o'clock, p. m.

Lost.

The question on Mr. Fields amendment to the amendment was then taken and lost.

The question recurring on Mr. Epperson's amendment was then taken and carried.

Mr. Willie moved to strike out the second section of the bill.

Rejected.

Mr. McNeill offered the following amendment to come in at the end of the 3d section.

"For the payment of District maps already received by the Commissioner of the General Land Office, and not paid for \$1000.

Adopted.

Mr. Edwards offered the following amendment.

For the payment of pension to David F. Webb, annually one hundred dollars for two years.

Mr. Robertson moved to adjourn until 2 o'clock, p. m.

Lost.

Mr. Bourland moved to adjourn until Monday morning 9 o'clock.

Lost.

On motion of Mr. Rayner,

The House adjourned until 3 o'clock, p. m.

Question pending on Mr. Edward's amendment.

3 o'clock, p. m.

The House met.

Roll called.

A quorum present.

The committee composed of the following members appointed by the Speaker to take under consideration the bill regulating the apportionment of representation among the several counties of the State was announced by the Speaker, Messrs. Keenan, Bryan, Rains, Eddy, Runnels, Allen, Stoddard, Lewis, Perry, Davis of R., Haynie, Bogart, Rayner, Potter, DeCordova, Miller of H., and Shaw.

The question on Mr. Edward's amendment pending when the House adjourned was taken and carried.

Mr. Willie moved to add to section 2d, "which amount of money was illegally drawn from the Treasury in 1842, by order of the President of the Republic without authority of law.

The yeas and nays being called for, stood :

Yeas—Messrs. Armstrong, Bogart, Bourland, Burroughs, Crutcher, Lewis, Miller of C., Rains, Robertson, Railey, Taylor, Truit, Willie and Wren—13.

Nays—Messrs. Speaker, Carothers, Davis of L., Davis of R., Dennis, Dooley, DeCordova, Edwards, Fields, Gilliam, Hardeman, Haynie, Lyons, Miller of H., Mosely, McCown, Pease, Perry, Potter, Raynor, Reagan, Runnels, Shaw, Sterne, Stout, Stuart of Gal., Stewart of Gonzales, Walling, Winkler and White—31.

Mr. Haynie offered the following amendment:

For Chief Clerk of the State Department sixty dollars per month.

For Private Secretary to the Governor, sixty dollars per month.

And for all Assistant Clerks, sixty dollars per month.

Rejected.

Mr. Willie moved to strike out all in section 2nd, after the word "revenue."

Which was lost by the following vote:

Yeas—Messrs. Armstrong, Burroughs, Carothers, Crutcher, Edwards, Hardeman, Miller of C., Pease, Perry, Potter, Robertson, Railey, Runnels, Sterne, Willie and Wren—16.

Nays—Messrs. Speaker, Allen, Bogart, Bourland, Davis of L., Davis of R., Dennis, Eddy, Fields, Gilliam, Haynie, Lewis, Lyons, Miller of H., Mosely, McCown, McNeill, Rains, Raynor, Reagan, Shaw, Stout, Stuart of Galveston, Stewart of Gonzales, Taylor, Truit, Walling, Winkler and White—39.

A message was received from the Senate informing the House that the Senate had passed,

A bill originating in the House of Representatives to be entitled an act to amend the 3d section of an act to provide for the disposition of the funds received from the United States, approved 3d January 1848; and

A bill to be entitled an act to organize the Supreme Court of the State of Texas.

Mr. Robertson offered the following as an amendment to the bill.

And the Treasurer is further authorized to pay to the differ-

ent District Judges, who have not been paid their full salaries, for services under the Republic; by their depositing with the Comptroller the vouchers and receipts for the same.

Mr. Fields moved to amend the amendment as follows:

Add after "District Judges," the words, "and Assessors of direct taxes."

Amendment rejected.

Question—Shall the amendment proposed by Mr. Robertson to the bill now under consideration of the House be adopted?

The House decided in the negative.

Mr. Dennis offered the following as an additional section to the bill:

"Section 4th. That the sum of \$500 be, and the same is hereby appropriated for the survey of Land Scrip, that has been surveyed previous to the 1st day of January, A. D. 1848; and the sum of \$500 annually, for Land Scrip that may be surveyed during the years 1848 and 1849."

Mr. Stewart of Gonzales, offered the following as an amendment to the amendment.

Provided, That this appropriation shall only extend to such surveys as have been made since the organization of the State Government."

Amendment rejected.

Question—Shall the amendment proposed by the gentleman from Matagorda, to the bill now under consideration of the House, be adopted?

The House decided in the negative.

Mr. Lewis offered the following as an amendment to the bill.

"That the sum of \$500 be appropriated for the survey of Land Scrip, up to the first day of January, 1848.

Mr. Davis of R., moved that the bill and amendment be laid upon the table until Thursday next.

Motion lost.

The Speaker decided that the amendment proposed by Mr. Lewis, contained the substance of that which had just been acted upon by the House, and was, therefore, out of order.

Mr. Lewis appealed from the decision of the Chair.

The sense of the House was taken in reference to the decision just made by the Speaker, and the decision concurred in.

Mr. Haynie moved that the bill be engrossed.

Mr. Davis of R., moved that the House adjourn until Monday morning 9 o'clock.

Motion lost.

Question—Shall the bill now under consideration of the House be engrossed?

The yeas and nays were called on the engrossment of the bill and stood as follows :

Yeas—Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Crutcher, Davis of L., Gilliam, Hardiman, Haynie, Lyons, Miller of C., Miller, of H., McCown, McNeill, Perry, Shaw, Stuart, of Gal., Stewart, of 'Gon., Taylor, Walling, White—22.

Nays—Messrs. Burroughs, Carothers, Davis, of R., Dennis, Dooley, DeCordova, Eddy, Edwards, Epperson, Fields, Lewis, Mosely, Pease, Potter, Rains, Rayner, Reagan, Robertson, Sterne, Stout, Truit, Winkler, Willie and Wren—24.

The House decided in the negative.

Mr. Pease moved that the vote just taken on the engrossment of the bill be reconsidered.

Mr. Carothers moved that the motion to reconsider be laid upon the table, until Monday next.

Motion carried.

On motion of Mr. Bogart,

The bill from the Senate to be entitled "an act to organize the Supreme Court of the State of Texas," was taken up; and,

Read a first time.

Mr. Taylor moved that the House adjourn until Monday morning, 10 o'clock.

Motion lost.

Mr. Stout in the Chair.

Mr. Bogart moved that the rule of the House which requires bills to be read on three several days be suspended.

Motion lost.

Mr. Robertson moved that the bill relative to the Public Debt of Texas, be made the special order of the day for Tuesday next.

Motion carried.

Mr. Crutcher moved that the House adjourn until Monday morning, 9 o'clock.

Motion lost.

On motion of Mr. Bogart,

The House adjourned until Monday morning, 9 o'clock.

House of Representatives,
City of Austin, March 6th, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs. Speaker, Allen, Bogart, Bourland, Bryan, Carothers, Crutcher, Davis, of L., Davis of R., Eddy, Edwards, Epperson, Fields, Hardeman, Keenan, Lyons, Miller of C., Miller of H., Millican, Mosely, McCown, McNeill, Neal, Pease, Perry, Potter, Rains, Rayner, Reagan, Robertson, Railey, Runnels, Saddler, Shamon, Shaw, Stout, Stoddard, Stewart of Gonzales, Taylor, Truit, Webb, Walling, Winkler, Wheeler, White, Willie and Wren.

A quorum being present,

The Journal of the preceding day was read and adopted.

The House then proceeded to business.

Mr. Potter presented the petition of Thomas B. Lewis.

On motion of Mr. Potter,

The petition was referred to the committee on Roads and Public Highways, without reading.

Mr. Carothers, chairman of the committee on Counties and County Boundaries, made the following report:

The committee on Counties and County Boundaries, to whom was referred a bill, to be entitled "An act, to create the county of _____," have had the same under consideration and' ascertaining from reliable information, that the citizens of

the county which is prayed to be created, number considerably less than one hundred voters ; and, deeming that to make such new counties is altogether inexpedient, they have instructed me to report the bill back to the House, and respectfully to recommend that further action upon the same, be indefinitely postponed

Report read and received, and, together with the bill, laid upon the table, to come up in their regular order.

Mr. Rayner, chairman of the committee on Claims and Accounts, made the following report :

The committee on Claims and Accounts, to whom was referred a " Joint resolution granting a pension to John Frederick," have had the same under consideration, and the committee believing it to be impolitic for the State to incur new liabilities, have unanimously instructed me to report the joint resolution back to the House, and respectfully to recommend that it be laid upon the table.

Report read and received, and, together with the joint resolution, laid upon the table, to come up in their regular order.

Mr. Allen made the following report :

The Select Committee, to whom was referred the proposition of Thomas J. Chambers, to collect, for the use of the State, the laws of Mexico and of Spain, and to make such digest of their contents, with full and accurate references to the originals as will open them to the knowledge of the people, and to that portion of the members of the bar who are unacquainted with the Spanish language, have had the same under consideration, and respectfully present the following brief report :

It will be perceived that the Supreme Court of the United States being impressed with the importance of such a collection and digest, as are now proposed to be made, requested the Chief Justice of this State to recommend a person in every way equal to the task ; and that General Chambers, from his intimate acquaintance with the laws of Spain and Mexico, as well as his accurate knowledge of the language of those coun-

tries, received the unqualified recommendation of the Supreme Court of this State. Your committee are convinced that it would be entirely superfluous to enlarge upon the great utility of the collection and digest of the laws as contemplated by the proposition under consideration; and, believing that the practical good which will assuredly flow from such a measure, when properly executed, must fall forcibly upon the mind of every member of the Legislature; and, as our own Supreme Judges have strongly manifested the embarrassment they feel in the discharge of their duty, on account of the lack of such authorities, they have prepared a joint resolution to carry out the highly beneficial project intimated by the said proposition, and earnestly recommend it to the favorable consideration and early attention of the House.

Report read and received, and laid upon the table, to come up in its regular order.

A "joint resolution making an appropriation for the purchase of the Mexican and Spanish law authorities, for the use of the State" was read a first time.

Mr. Keenan made the following report:

The Special Committee, to whom was referred a bill to be entitled "An act, to apportion the representation among the several counties of this State," have had the same under consideration, and have instructed me to report the accompanying substitute back to the House, and to recommend its passage.

In making this recommendation, they are influenced by a spirit of compromise; and firmly believe that more satisfaction will be given thereby, to the Representatives, and through them to the State at large, than by any plan or apportionment that can be made. They have been compelled in a few instances, to deviate from the number of free white inhabitants, fixed upon as a basis of representation: but could not do otherwise under the circumstances. They hope, however, as the one recommended will continue but for two years, that in that time the enumeration of the inhabitants will be correctly made; and at the succeeding session of the Legislature, the representation will be fairly and equally distributed throughout the State.

Your committee feel the necessity, under the provisions of

the Constitution, of making an apportionment, and cannot too strongly recommend to the House the favorable consideration of the substitute.

Report and substitute read and received, and laid upon the table, to come up in their regular order.

Mr. Fields introduced a "Joint resolution for the relief of W. J. Mills."

Joint resolution read a first time.

Mr. Willie introduced the following resolution :

Resolved, That the committee on Printing be instructed to contract for the publication, in the "Democrat" and "Northern Standard," of all the acts of a general nature, passed by the present Legislature. Those which go into effect from the time of their passage, to be first published; and that the same be paid for out of the appropriation for contingent expenses.

Resolution rejected.

Mr. Willie introduced a bill to be entitled "An act to enable the former collectors of direct taxes, to settle their accounts."

Bill read a first time.

Mr. Reagan introduced a bill to be entitled "An act to provide for the payment of persons commissioned by the Governor, for the trial of special cases in the Supreme Court of the State of Texas."

Bill read a first time.

Mr. McNeill introduced a bill to be entitled "An act to provide for the compiling and correcting of the maps of the several Land Districts of this State."

Bill read a first time.

Mr. DeCordova introduced a bill to be entitled "An act to change the name of Hn. Connor to Hn. Valentine Dalton."

Bill read a first time.

Mr. Winkler, by leave, made the following report :

The Special committee, to whom was referred a "Joint resolution for the relief of Luis Sanchez," have had the same under consideration, and a majority of the committee believing that the claim of the said Sanchez is one of peculiar merit, have in-

structed me to report the joint resolution back to the House, and to earnestly recommend its passage.

Report read and received, and together with the joint resolution, laid upon the table, to come up in their regular order.

On motion of Mr. Bogart.

The House proceeded to the orders of the day.

A bill to be entitled "An act to create the county of Williamson," together with the amendments proposed by the Senate, were taken up.

Amendments read and concurred in.

A "joint resolution for the relief of J. W. E. Wallace," was taken up.

Read a third time and passed.

A bill to be entitled "An act to change the northern boundary line of Limestone county," was taken up.

Read a third time and passed.

A bill to be entitled "An act for the relief of Horace L. Upshur," was taken up.

Read a third time and passed.

A bill to be entitled "An act to secure the rights of colonists in Fisher & Miller's colony," was taken up.

Read a third time and passed.

A bill to be entitled "An act to regulate the killing of neat cattle," was taken up, and read a third time.

The yeas and nays were called on the final passage of the bill, and stood as follows:

Yeas—Messrs. Allen, Armstrong, Burroughs, Bryan, Carothers, Dennis, DeCordova, Eddy, Epperson, Fields, Gilliam, Hardeman, Lewis, Miller of C., Millican, McNeill, Pease, Perry, Potter, Rains, Rayner, Robertson, Stout, Stoddard, Walling, Wheeler and White—27.

Nays—Messrs. Speaker, Bogart, Bourland, Crutcher, Davis of Liberty, Edward, Haynie, Miller of Houston, Mosely, McCown, Neal, Reagan, Saddler, Shannon, Shaw, Stewart, of Gonzales, Taylor, Truit, Winkler, Willie and Wren—21.

The bill passed.

A bill to be entitled "An act to change the name of Ralph W. Peacock, to John Bowen." was taken up.

Read a third time and passed.

A bill to be entitled "an act to require Sheriffs, Clerks of the District Courts and Clerks of the County Courts, to keep their offices at the county seats of their respective counties, was taken up,

Read a third time and passed.

A bill to be entitled "an act regulating Estrays," was taken up,

Read a third time and passed.

A bill to be entitled "an act to give to each county its own map and records," was taken up,

Read a third time and passed.

A bill to be entitled "an act authorizing the Galveston City Company to change the plan of a certain Block of Lots, in the City of Galveston; and to appropriate one of the Public Squares of said City for City and County Buildings," was taken up,

Read a third time and passed.

Mr. Bourland moved that the Chief Clerk of the House be instructed to report the bill, first passed, to the Senate.

Motion carried.

A bill to be entitled "An Act to create the county of Cooke," was taken up,

Read a third time and passed.

A bill to be entitled "An Act to incorporate Cherokee Academy, in the town of Rusk, and county of Cherokee," was taken up,

Read a third time and passed.

A bill to be entitled "An Act supplementary to an act to return lands sold for taxes, and bid in by the government, to the former owners, approved April the 27th, 1846," was taken up,

Read a third time and passed.

A bill to be entitled "An Act prescribing the mode of establishing the liabilities of endorsers and drawers of bills of exchange and promissory notes," was taken up,

Read a third time and passed.

A bill to be entitled "An Act fixing the punishment for cutting down, and carrying away timber, upon any land, without the consent of the owner," was taken up,

Read a third time and passed.

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills have examined a bill to be entitled "An Act to change the name of Collin county," and find the same correctly engrossed.

Report read and accepted.

A bill to be entitled "An Act to amend the 17th section of an act to establish and incorporate the Marshall University, approved January the 18th, 1842," was taken up,

Read a third time and passed.

A bill to be entitled "An Act to provide for the more certain collection of the taxes for the years 1846 and 1847," was taken up,

Read a third time and passed.

A bill, to be entitled "An Act, to regulate the time of holding the Courts in the Fourth Judicial District," was taken up,

Read a third time and passed.

A bill, to be entitled "An Act, for the relief of Michael Short," was taken up,

Read a third time and passed.

A message was received from the Senate, informing the House of the passage of the following bills, by that body:

A bill to be entitled "An Act to establish a State Penitentiary," with an amendment:

A bill to be entitled "An Act concerning crimes and punishments:

A bill to be entitled "An Act to reduce to its constitutional size, define the boundaries, and permanently locate the county seat of Henderson county:"

A bill to be entitled "An Act for the relief of Ann Terrell, widow and relict of George W. Terrell, deceased:"

A bill to be entitled "An Act to create the county of Van Zandt:" and

A bill to be entitled "An Act for the relief of Columbus C. Browning.

A bill to be entitled "An Act to carry into effect a portion of an Ordinance, adopted in Convention, on the 27th of August, 1845," was taken up and read.

Mr. Reagan offered a substitute for the bill.

Substitute rejected.

Mr. Bogart moved to insert in the 1st section, and 1st line of the bill, the words "any of the government."

Amendment adopted.

Mr. Davis of R., moved to amend the bill as follows :

"That all persons availing themselves of the benefits of this act, shall be required to prove, by two disinterested witnesses, that he, or she, had settled, and now resides within what may hereafter, be determined the true bounds of the Colonies : and that no person shall be entitled to the benefit of this act, who have become settlers after its passage."

Amendment rejected.

Mr. Carothers moved that the bill be engrossed.

Motion lost.

A "Joint Resolution for the relief of A. B. Gray," was taken up, and

Read a second time.

Mr. Bourland moved to amend the joint resolution, as follows :

In the 2d section of the resolution, after the word "dollars," strike out the words "payable at the pleasure of the government," and insert "payable at any time after the 1st day of December, A.D. 1849, out of any monies in the Treasury, not otherwise appropriated."

Amendment adopted.

Mr. Crutcher moved its engrossment.

Motion carried, and the joint resolution ordered to be engrossed.

On motion of Mr. Lyons,

The House adjourned until 3 o'clock, p. m.

3 o'clock, p. m.

The House met, pursuant to adjournment.

The Roll was called, and a quorum answered to the call of their names.

The House then proceeded to business.

Mr. Webb presented the following protest, to be spread upon the Journals of the House :

PROTEST,

Against the action of the House of Representatives, in passing
 "An Act to establish the Judicial Districts of the District
 Court."

The undersigned protests against the action of the House, in passing the above named act, for the following reasons :

1st. Because by its passage, injustice was done to the various parts of the State. When the bill was on its second reading, a respectable minority of the House endeavored to amend it, so as to do justice to the parts of the State which they represented; but the majority, by calling for the action of the House on the previous question, cut off amendments, and thus, did manifest injustice to the minority.

The Second Judicial District, as organized by the last Legislature, was one of the most compact and symmetrical Districts in the State: but the bill, passed by the House, takes the counties of De Witt, Lavaca and Gonzales from the 2d District, and adds them to the 10th. The county of Gonzales was one of the largest and most thickly settled counties in the State. As a compensation for these counties, the bill adds the counties of Gillespie, Caldwell and Hays, to the 2d District—all new counties, formed at the present session—the Courts of which are not yet even organized. As the District now stands, it is near 220 miles, from one extremity of it to the other. The counties taken from the 2d, and added to the 10th, makes the latter compact and symmetrical, and the undersigned have not yet arrived at such a stage of quick perception, as to see the justice of disorganizing one District, and making it without form or symmetry, for the purpose of adding compactness, form and symmetry to *another*.

2d. Because it increases the expenses of the State government. It provides for the election of two new Judges and two District Attorneys. The convenience of creating new Districts is not denied; and, if the Treasury were full, its policy might be conceded: but this bill creates two more Judicial Districts, and the expenses of these two Districts will be four thousand five hundred dollars.

The Legislature has, already, made large appropriations: and, from the Comptroller's report, it will be seen, that the expenses of the State, during the last two years, have exceeded

its income, to the enormous amount of forty-nine thousand dollars. The undersigned can see no other result, from all this, than an empty Treasury.

The operation of this bill presents a strange *anomaly* in Legislation: it is provided, that it shall take effect from and after the 1st day of August next. Until that time, it is absolutely no law: and yet, the two District Attorneys for the new Districts, have already been elected, and the Judges are now in nomination before the Senate. The consequence is, that we have District Attorneys, and two Judges, drawing pay from and after their election, when the offices for which they are elected, do not have an existence until the first day of August next. Nay, more: they do not commence their duties until September next—and, yet, they draw pay, from the time of their election.

The undersigned doubt, very much, the power of this Legislature, to elect officers, when the offices for which they are elected, are not yet in existence; and, much more, do they doubt the policy, or propriety, of paying men for services which they can never render.

For these reasons, the undersigned protest against the action of the House, in passing the above named bill.

March 6th, A. D. 1848.

WILLIAM G. WEBB,
WILLIAM FIELDS,
W. B. PERRY.

I concur in the above, as equal injustice was done the citizens of my District, in the creation of the Ninth Judicial District.

SAM. BOGART.

On motion of Mr. Potter,
The bills from the Senate, with amendments, were taken up.
A bill to be entitled "An Act to regulate the Public Printing," together with the amendments made by the Senate, were taken up.

Amendments read and concurred in, with the exception of the 1st and 8th, in which the House refused to concur.

A bill, which originated in the House of Representatives, to be entitled "An Act to provide for the establishment of a State

Penitentiary," together with the amendment proposed by the Senate, were taken up ;

Amendment read and concurred in.

A "Resolution (from the Senate,) appointing a committee of three, and requesting the appointment of a like committee on the part of the House, to draft a memorial to the Honorable the Congress of the United States, setting forth the claims of the citizens of Texas for remuneration for injuries done their property, during the war between Texas and Mexico, &c.,"

Was taken up and read.

Mr. Potter moved that the word "Honorable," be stricken out :

Motion carried.

Mr. Burroughs, chairman of the Committee on Enrolled Bills made the following report :

The Committee on Enrolled Bills have examined, and find correctly Enrolled, the following bills :

A bill to be entitled "An Act to incorporate the city of Lavacca ;"

A bill to be entitled "An Act concerning the forfeiture of certain neat cattle ;"

A bill to be entitled "An Act to incorporate the Montgomery Academy ;"

A bill to be entitled "An Act to locate the Seat of Justice of De Witt county," and

A bill to be entitled "An Act regulating attachments."

The said bills having been signed by the Speaker of the House of Representatives and the President of the Senate, were this day presented to His Excellency the Governor for his approval.

A bill from the Senate to be entitled, "An Act for the relief of David F. Webb,

Was taken up.

On motion of Mr. Edwards,

The bill was laid upon the table.

A bill from the Senate, to be entitled "An Act to incorporate the Trinity Navigation company ;"

Was taken up, and

Read a second time by its caption.

On motion,

The bill was then referred to the Committee on Internal Improvements.

A bill from the Senate, to be entitled "An Act to incorporate the Colorado Navigation Company ;"

Was taken up, and

Read a second time.

Mr. Stout moved that the bill be laid upon the table :

Motion lost.

On motion,

The bill was referred to the Committee on Internal Improvements.

On motion of Mr. Bourland,

A Committee of Conference was raised, to act in conjunction with a like Committee on the part of the Senate, in reference to the bill to be entitled "An Act to regulate the Public Printing."

The Speaker then appointed Messrs. Bourland, Fields, Davis of R., Willie and Gilliam, to constitute said Committee.

A bill from the Senate, to be entitled "An Act to authorize John H. Reagan and his associates to open and construct a turnpike road from the town of Buffalo on the Trinity River, across the bottom to the highlands on the West side, in the direction of the town of Corsicana ;"

Was taken up.

On motion of Mr. Crutcher,

The bill was read a second time by its caption, and referred to the Committee on Internal Improvements.

A bill from the Senate, to be entitled "An Act to change the names of the counties of Cameron, Starr and Webb ;"

Was taken up and read a first time.

Mr. Willie moved that the bill be rejected.

The yeas and nays were called on the adoption of Mr. Willie's motion, and stood as follows :

Yeas — Messrs. Speaker, Burroughs, Bryan, Carothers, Crutcher, Dennis, Dooley, Gilliam, Hardeman, Haynie, Lyons, Miller of C., Millican, McNeill, Pease, Rains, Rayner, Robertson, Railey, Runnels, Shannon, Shaw, Stout, Taylor, Walling, Wheeler, White and Willie—28.

Nays—Messrs. Allen, Bogart, Bourland; Davis of L., Davis of R., Eddy, Epperson, Fields, Keenan, Lewis, Miller of H., Mosely, Neal, Perry, Potter, Beagan, Saddler, Stewart of Gon-Truit, Webb, Winkler and Wren—23.

Motion carried, and the bill rejected.

A bill to be entitled "An Act to validate and confirm the acts of Thomas Wm. Ward, Commissioner of the General Land Office ;"

Was taken up.

Mr. Neal moved that the bill be referred to the Committee on the Land Office.

Motion carried and the reference made.

A bill to be entitled "An Act making an appropriation for the pro rata pay of Dr. Thos. P. Anderson, deceased, Surgeon of the late Navy of the Republic of Texas ;"

Was taken up.

Mr. Robertson moved the engrossment of bill.

Motion carried,

And the bill ordered to be engrossed.

A bill from the Senate, to be entitled "An Act for the relief of Alfred Johnson ;"

Was taken up, and

Read a first time.

A "Joint Resolution for the relief of E. B. Cogswell ;"

Was taken up, and

Read a second time.

Mr. Bourland moved the engrossment of the Joint Resolution.

Motion carried, and the Joint Resolution ordered to be engrossed.

A "Joint Resolution protesting against the organization of a separate Government by the authorities of the United States within the State of Texas ;"

Was taken up, and

Read a second time.

On motion of Mr. Robertson,

The Joint Resolution was referred to the Committee on Federal Relations.

A bill to be entitled "An Act to incorporate the Milam Liberal Institute ;"

Was taken up, and

Read a second time.

On motion of Mr. Shaw,

The bill was referred to the Committee on Education.

The Resolution of the House of Representatives, prohibiting bills to be read by their caption on their last reading ;"

Was taken up,

Read, and rejected.

A "Joint Resolution for the relief of the estate of Lieut. J. P. Lansing, deceased, (it being the substitute offered by Mr. Rayner for the original Joint Resolution):"

Was taken up,

Read and adopted.

On motion of Mr. Potter,

The Joint Resolution was ordered to be engrossed.

A bill to be entitled "An Act for the benefit of owners of conditional headright certificates for land, together with the report of the Committee on Public Lands, thereon were taken up :

Report read and adopted.

The report of the Committee on County Boundaries in relation to a bill to be entitled "An Act to compensate all Commissioners that have been appointed or may hereafter be appointed by the Legislature, to locate the county sites of all new counties that were created during the first Legislature of the State of Texas ;"

Was taken up,

Read and adopted.

A "Joint Resolution requesting the Commissioner of the General Land Office to cause to be translated and published, certain laws and documents in his office, relating to land titles ;"

Was taken up, and

Read a second time.

Mr. Mosely moved that the Joint Resolution be engrossed.

Mr. DeCordova moved to amend the Joint Resolution as follows :

Strike out "\$1,200," and insert "\$3,000 :"

Amendment rejected.

The yeas and nays were then called on the engrossment of the bill, and stood as follows :

Yeas—Messrs. Speaker, Allen, Armstrong, Bogart, Bryan, Carothers, Crutcher, Davis of L., Dooley, Dennis, Eddy, Epperson, Gilliam, Hardeman, Haynie, Lewis, Millican, Mosely, McNeill, Reagan, Robertson, Runnels, Shannon, Stout, Stewart of Gon. and Winkler—26.

Nays—Messrs. Bourland, Burroughs, Edwards, Fields, Lyons, Miller of C., Miller of H., Neal, Perry, Rains, Rayner, Sadler, Shaw, Taylor, Truit, Webb, Walling, White, Willie and Wren—20.

Motion carried, and the Joint Resolution ordered to be engrossed.

A "Joint Resolution for the relief of Nathaniel H. Mallon and others, members of Capt. John C. Hays' spy company in the year 1842,"

Was taken up, and

Read a second time.

On motion of Mr. Dooley,

The Joint Resolution was ordered to be engrossed.

A bill to be entitled "An Act to authorize the Comptroller of Public Accounts, to audit the accounts of Martin Glover, late Sheriff of Bowie county,"

Was taken up, together with the substitute therefor,

Substitute read and adopted.

Mr. Robertson moved that the bill be laid upon the table for the present:

Motion carried.

A message was received from the Senate, informing the House of the passage by that body of a bill, which originated in the House of Representatives, to be entitled "An Act to establish the Galveston and Red River Railway Company," with an amendment.

On motion of Mr. Bourland,

The amendment was taken up,

Read and concurred in.

A "Joint Resolution, from the Senate, auditing and acknowledging the claims of Stewart Perry against the late Republic of Texas,"

Was taken up.

Mr. Fields moved that the Joint Resolution be laid upon the table.

Mr. McNeill moved that a call of the House be made.

Motion carried.

On motion of Mr. Crutcher,

Mr. Sterne was excused from answering to the call of his name.

On motion of Mr. Allen,

The call of the House was suspended.

Question—Shall the Joint Resolution now under consideration of the House be laid upon the table?

The House decided in the negative.

The Joint Resolution was then read a first time.

A bill (from the Senate) to be entitled "an act to authorize the issuance of Land Patents, to the assignees of Sheriffs, Executors, Administrators and Guardians;"

Was taken up, and

Read a first time.

A bill (from the Senate) to be entitled "an act to incorporate Williamson Academy:"

Was taken up, and

Read a first time.

A bill (from the Senate) to be entitled "an act to incorporate the town of Palestine, in the county of Anderson:"

Was taken up, and

Read a second time.

Mr. Miller of Houston, moved that the bill be passed to a third reading.

Motion carried.

A bill to be entitled an act to define the time of holding the Courts in the 10th Judicial District:"

Was taken up; and

Read a second time.

On motion of Mr. Allen,

The bill was laid upon the table until to-morrow.

A bill to be entitled "an act to provide for the election of electors of President and Vice President of the United States;"

Was taken up; and

Read a second time.

On motion of Mr. Willie,

The bill was referred to the committee on State Affairs.

The resolution to adjourn the Legislature on the 13th inst. *sine die*, being the special order of the day.

Was taken up.

On motion of Mr. Reagan,

The resolution was made the special order of the day for Monday next.

Mr Bryan moved a reconsideration of the vote, on the bill to be entitled "an act to regulate the killing of neat cattle;" and that the bill be referred to a select committee.

Motion carried.

A bill to be entitled "an act to require the Commissioner of the General Land Office, to charge fees for business done in his office, where the State is not concerned.

Was taken up, and

Read a second time.

On motion of Mr. Robertson,

The bill was referred to a select committee.

The Speaker then appointed,

Messrs. Robertson, Eddy, Fields, Dennis and DeCordova, to constitute said committee.

A bill to be entitled "an act to legalize the marriage of Eli Gray and Ann Eliza Gray;"

Was taken up, and

Read a second time.

The bill was then passed to a third reading.

A bill to be entitled "an act to provide for the enumeration of the inhabitants of the State of Texas, for the year 1848:"

Was taken up, and

Read a second time.

Mr. Reagan moved to amend the bill as follows:

"And in the 8th column all the free white population."

Amendment adopted.

On motion of Mr. Winkler,

The bill was passed to a third reading.

A message was received from the Senate, informing the House of the appointment by that body of Messrs. Dancy, Jewett and Grimes, to act as a committee of conference, with a like committee on the part of the House, in reference to a bill to be entitled "an act to regulate the Public Printing."

A bill to be entitled "an act, to continue in force, an act for relief of the purchasers of Austin city lots."

Was taken up, and

Read a second time.

On motion of *Mr. Haynie*,

The bill was referred to the committee on Public Lands.

A bill to be entitled "an act for the relief of Moses Evans, surviving administrator of H. S. Williamson, deceased.

Was taken up,

Read a third time and passed.

A bill to be entitled "an act for the relief of Kiziah Taylor, whose maiden name was Kiziah Cryer."

Was taken up, and

Read a third time.

On motion of *Mr. Webb*,

The bill was passed.

A bill to be entitled "an act authorizing and requiring the transfer of the succession of Alexander Jordan, dec'd., from the county of Nacogdoches to the county of Rusk."

Was taken up, and

Read a second time.

On motion of *Mr. Walling*,

The bill was passed to a third reading.

A bill to be entitled "an act for the relief of James Stuart."

Was taken up, and

Read a second time.

On motion,

The bill was passed to a third reading.

A bill to be entitled "an act for the removal of the Supreme Court."

Was taken up.

Mr. Stout moved that the bill be laid upon the table.

Motion lost.

Mr. Mosely moved that the bill be indefinitely postponed.

Motion lost.

Mr. Walling offered a substitute for the bill.

Substitute read and rejected.

r. Bogart moved to amend the bill as follows:

Strike out "Huntsville," and insert "Brenham."

Amendment rejected.

On motion of *Mr. Potter*.

The bill was referred to the committee on the Judiciary.

Mr. Crutcher moved that the House adjourn until to-morrow morning 9 o'clock.

Motion lost.

A bill to be entitled "an act supplementary to an act to establish the Judicial Districts of the District Court." *

Was taken up, and

Read a second time.

On motion,

The bill was laid upon the table.

A bill to be entitled "an act to prescribe the time of holding the District Courts in the 9th Judicial District of the State of Texas:"

Was taken up, and

Read a second time.

On motion of Mr. Miller of Houston,

The bill was laid upon the table.

A bill to be entitled "an act regulating enclosures;"

Was taken up, and

Read a second time.

On motion,

The bill was referred to the committee on the Judiciary,

A "Joint Resolution proposing an amendment to the Constitution of the State of Texas;"

Was taken up, and

Read a first time.

On motion,

The rule of the House which requires bills to be read on three several days, was suspended, and the Joint Resolution,

Read a second time.

Mr. Rayner moved that the Joint Resolution be referred to the committee on the Judiciary.

Motion lost

Mr. Webb moved that the Joint Resolution be passed to a third reading.

Mr. Bryan moved to amend by striking out all that portion of the Joint Resolution, relative to Judges of the Supreme Court.

Mr. Reagan moved that the House adjourn until to-morrow morning, 9 o'clock,

Motion lost.

On motion of Mr. Bourland,

The House adjourned until to-morrow morning, 10 o'clock.

HOUSE OF REPRESENTATIVES,
Austin, March 7th, 1848.

The House met pursuant to adjournment;

The roll was called, and

The following members answered to their names.

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Carothers, Crutcher, Davis of L., Davis of R., Dennis, DeCordova, Eddy, Edwards, Epperson, Goode, Hardeman, Haynie, Keenan, Lewis, Lyons, Miller of C., Millican, McCown, McNeill, Perry, Potter, Rains, Rayner, Reagan, Robertson, Railey, Saddler, Shannon, Shaw Stout, Stewart of Gon., Taylor, Truit, Webb, Walling, Winkler, Wheeler, White, Willie. and Wren.

A quorum being present,

The Journals of the preceding day was read and adopted.

The House then proceeded to business.

Mr. Pease, Chairman of the committee on the Judiciary, made the following report:

The committee on the Judiciary, to whom was referred a bill to be entitled "an act to amend an act concerning divorce and alimony," have had the same under consideration. The bill proposes to amend the existing law on the subject; but a majority of the committee believing the amendment proposed will not be beneficial, have directed me to report the bill back to the House and to recommend that it be laid on the table.

Report read and received, and together with the bill, laid upon the table, to come up in their regular order.

Mr. Pease, chairman of the committee on the Judiciary, also made the following report:

The committee on the Judiciary, to whom was referred the petition of Jasper Gilbert, have had the same under consideration.

It appears, from the petition and the evidence that was adduced before the committee, that the petitioner obtained from

the Board of Land Commissioners, of Colorado county, a certificate for one league and labor of land. That said certificate was not recommended for patent by the Local and General Board of Commissioners, appointed under an "act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants;" and that the petitioner neglected to bring a suit in the proper county, to establish said certificate, within the time limited by the 2d section of the 11th article of the constitution of the State; but that he did bring a suit for the establishment of said claim, on the 2nd day of July, 1847, which was one day after the time limited by the Constitution.

The committee believe from the evidence before them, that the petitioner was fully entitled to the quantity of Land for which he obtained a certificate; and that, if he had instituted his suit in time, his claim would have been established. But the second section of the eleventh Article of the Constitution declares: "That all certificates (like those of the petitioner,) not established, or sued on before the first day of July, 1847, shall be barred: and the said certificates, and all surveys and locations thereon, shall be forever null and void," and the committee believe that the Legislature has no power to confirm such a certificate.

The committee do not conceive that the *fact* of the petitioner bringing his suit in one day after the expiration of the time limited, gives the Legislature any more right to confirm the same, than if it had been brought in one month or six months after the expiration of the time.

It will be recollected that the law which authorized such claims to be established by suit, had expired by its own limitation, long before the adoption of the Constitution; and the Constitution renewed the right, and extended the time, for two years: this afforded ample time for all persons to establish their rights, and the committee do not conceive that those who slumbered over their rights, have any peculiar claim to relief, from the Legislature, even if we had the power to afford such relief, which the committee believe we have not.

Entertaining these views, the committee recommend that the petition be laid upon the table.

Report read and received, and together with the petition, laid upon the table, to come up in their regular order.

Mr. Mosely, one of the committee on the Judiciary, made the following report:

The committee on the Judiciary, to whom was referred a bill to be entitled "An act, requiring the owners of, and claimants to lands, to have their titles, muniments of titles, and claims to lands, recorded in the county in which said lands are situated," have had the same under consideration, and, after due deliberation thereupon, a majority of said committee have instructed me to report the accompanying substitute therefor, and to recommend its adoption and passage.

Report read and received, and together with the bill and substitute, laid upon the table, to come up in their regular order.

Mr. Webb, chairman of the committee on Federal Relations, made the following report:

The committee on Federal Relations, to whom was referred a "Joint resolution protesting against the organization of a separate government, by the authorities of the United States, within the limits of the State of Texas," have examined the same, and have instructed me to report the accompanying Preamble and Joint Resolutions, and to recommend their passage.

Report read and received, and together with the joint resolutions, laid upon the table, to come up in their regular order.

Mr. Keenan, chairman of the committee on Education, made the following report:

The committee on Education, to whom was referred a bill to be entitled "An act to incorporate the Milam Liberal Institute," have considered the same, and finding no constitutional objection to the bill, recommend its passage.

Report read and received, and together with the bill, laid upon the table, to come up in their regular order.

Mr. Reagan, chairman of the committee on Public Lands, made the following report:

The committee on Public Lands, to whom was referred a bill to be entitled "An act to continue in force an Act, for the relief of those who have purchased lots in the city of Austin, and the tract adjoining, have had the same under consideration, and have instructed me to report the same back to the House, with amendments, and to recommend their adoption, and the passage of the bill as amended.

Report read and received, and, together with the bill and amendments, laid upon the table, to come up in their regular order.

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills have examined A "Joint resolution for the relief of the heirs of Ralph Noble, deceased," and find the same correctly engrossed.

Report read and accepted.

Mr. Bourland made the following report:

The committee of Conference, to whom was referred two amendments made by the Senate, to a bill which originated in the House of Representatives, to be entitled "An act to regulate the Public Printing," have conferred freely upon the same, and after due deliberation, have agreed as follows:

In the first amendment, to insert "fifteen" instead of "ten."

They have also agreed to adopt the eleventh amendment made by the Senate, and respectfully ask the concurrence of the two Houses:

* [Signed]

JON W. DANCY,

Chairman on the part of the Senate.

[Signed]

WM. H. BOURLAND,

Chairman on the part of the House of Representatives.

Mr. Bourland moved a suspension of the rule.

Motion carried.

The report was then adopted.

Mr. Fields made the following report:

The select committee, to whom was referred a bill to be en

titled "An act to regulate the killing of neat cattle," have again had the same under consideration, and, believing certain amendments necessary, have instructed me to report the accompanying substitute for the original bill, and respectfully to recommend its passage.

Report read and received, and, together with the bill and substitute, laid upon the table, to come up in their regular order.

Mr. Eddy introduced a "Joint resolution to defray the expenses of the two expresses sent to Jasper county."

Joint resolution read a first time.

Mr. Bogart introduced a bill to be entitled "An act providing for the Judges of the Sixth and Eighth Judicial District, to hold the Courts in the Ninth Judicial District.

Bill read a first time

Mr. Willie in the chair.

A message was received from the Senate, informing the House of the adoption by that body, of the substitute of the House, for a bill to be entitled "An act allowing Judges of the Supreme Court, *discretion*, in the order of trying cases."

Mr. Fields introduced a bill to be entitled "An act to apportion the debt of Old Liberty county, between the existing counties of Liberty, Polk and Tyler."

Bill read a first time.

On motion,

The rule of the House, which requires bills to be read on three several days, was suspended.

The bill was then read a second time.

Mr. Davis, of Liberty, offered a substitute for the third and fourth sections of the bill.

Substitute rejected.

On motion of Mr. Fields,

The bill was then ordered to be engrossed.

A message was received from the Senate, informing the House of the passage by that body, of the following bills :

A bill to be entitled "An act regulating elections," with amendments :

A bill to be entitled "An act, supplementary to an act, to create and organize the county of Panola," with amendments :

A bill to be entitled "An act to authorize Jacob F. Winfree to adopt Zachary Taylor Long, as his lawful child ; and

That the Senate had adopted a substitute for the resolution

providing for the two Houses to meet in joint session, for the purpose of going into the election of a Public Printer, on this day, at 3 o'clock, P. M.

Mr. DeCordova introduced a "Joint resolution to detect and suppress illegal banking."

Joint resolution read a first time.

A message was received from the Senate, informing the House that a bill to be entitled "An act, to regulate the Public Printing," had been passed by that body.

On motion of Mr. Henderson,

The House proceeded to the orders of the day.

On motion of Mr. Henderson,

The "resolution (of the Senate) to go into the election of Public Printer," was taken up and adopted.

A "Joint resolution proposing an amendment to the Constitution of the State of Texas," together with the amendment, offered by Mr. Bryan, on yesterday, were taken up.

Amendment read.

Mr. Crutcher moved that the resolution be laid upon the table.

Motion lost.

Mr. Pease moved that the resolution be referred to the committee on the Judiciary.

Motion lost.

Question—Shall the amendment proposed by Mr. Bryan, to the joint resolution now under consideration of the House, be adopted?

The House decided in the negative.

Mr. Reagan offered the following as an amendment to the joint resolution:

Be it further enacted, That the following words be stricken out of the thirty-fourth section of of the Seventh Article of the Constitution, to wit:

"Every new county, as to the right of suffrage and representation, shall be considered as a part of the county or counties from which it was taken, until entitled by numbers, to the right of separate representation."

Amendment rejected.

Mr. Webb moved that the sense of the House be taken on the previous question.

The yeas and nays were called on the adoption of Mr. Webb's motion, and stood as follows:

Yeas—Messrs. Speaker, Armstrong, Bogart, Bourland, Burroughs, Carothers, Davis of L., Dooley, Eddy, Epperson, Gilliam, Goode, Haynie, Miller of C., Millican, Mosely, McNeill, Neal, Perry, Rains, Reagan, Shannon, Shaw, Sterne, Stout, Taylor, Truit, Webb, Walling, Winkler and Wren—31.

Nays—Messrs. Bryan, Crutcher, Davis of R., Dennis, DeCordova, Hardeman, Lewis, Pease, Rayner, Runnels, Saddler, Stoddard, Stewart of Gonzales, White and Willie—15.

Motion carried.

Question—Shall the joint resolution now under consideration of the House, be passed to a third reading?

The House decided in the affirmative.

A bill to be entitled "An act to classify the Public Debt of Texas," together with the two substitutes, offered by the committee on Finance, were taken up.

Substitute read and adopted.

On motion of Mr. Neal,

The substitutes, just adopted by the House, were ordered to be engrossed.

A bill to be entitled "An act, to reduce to its constitutional size, define the boundaries, and permanently locate the county seat of Henderson county," together with the amendments proposed by the Senate, were taken up.

Amendments read and concurred in.

Mr. Allen moved to take up the bill to be entitled "An act, to define the time of holding the Courts in the Tenth Judicial District."

Motion carried.

The bill was then taken up, and

On motion, passed to a third reading.

Mr. Reagan introduced a bill to be entitled "An act to define the time of holding the Courts in the Ninth Judicial District."

Bill read a first time.

Mr. Saddler moved that the rule of the House, which requires bills to be read on three several days, be suspended.

Motion carried.

The bill was then read a second time.

Hr. Reagan moved that the bill be engrossed.

Mr. Bogart moved that the bill be indefinitely postponed.

Motion lost.

Mr. Stout moved that the bill be referred to the committee on the Judiciary.

Mr. Bogart moved that a call of the House be made.

On motion of Mr. Stoddard,

The House adjourned until 3 o'clock, P. M.

3 o'clock; P. M.

The House met pursuant to adjournment.

The roll was called, and a quorum was found present.

The House then proceeded to business.

A bill, from the Senate, to be entitled "An act authorizing and requiring the transfer of the succession of Alexander Jordan, deceased, from the county of Nacogdoches to the county of Rusk," was taken up.

On motion of Mr. Lyons,

The bill was read a third time by its caption, and passed.

A joint resolution, having been adopted by both Houses, to go into the election of Public Printer, on this day, at 3 o'clock, P. M.

Mr. Potter moved that the election be postponed, until the 9th instant.

A message was received from the Senate, informing the House of the passage of the following bills, by that body:

A bill to be entitled "An act, to amend the tenth, eleventh, thirteenth and twenty-second sections of an act, to organize the Supreme Court of the State of Texas," approved May the 12th, A. D. 1846, with an amendment;

A bill to be entitled "An act for the relief of Isaac Delany"

A bill to be entitled "An act for the relief of James P. Wallace and Robert M. Williamson;

A joint resolution in relation to the Wilmot Proviso, Slavery, the Tariff, and the war against Mexico;"

A bill to be entitled "An act organizing County Courts," with amendments;

A bill to be entitled "An act regulating sequestrations," with amendments;

A bill to be entitled "An act, to amend an act, entitled an

act, to regulate proceedings in the District Courts, approved May the 13th, A. D. 1846," with amendments; and

"Joint resolution authorizing the committee on Contingent Expenses of both Houses of the Legislature, to contract with some suitable person to take charge of the Capitol and the furniture, stationery, &c.; and that the Senate had appointed Messrs. Burleson, Cuny and Bourland said committee of Conference.

The House was also informed that the Senate had concurred in the amendment proposed by the House, to a "Resolution appointing a committee of Conference to draft a memorial to the Congress of the United States, relative to the claims of the citizens of Texas, for injuries done their property during the war between Texas and Mexico, and asking remuneration for the same."

Mr. Bryan moved a re-consideration of the vote of the House, on the adoption of a resolution fixing the time for the election of Public Printer.

The Speaker decided the motion out of order, as the resolution had been adopted by both Houses.

Mr. Potter appealed from the decision of the Speaker.

The sense of the House was taken in reference to the decision just made by the Speaker, and the decision sustained.

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills, have examined the following bills:

A bill to be entitled "An act to provide for the disposition of the funds received from the United States;" and

A bill to be entitled "An act for the relief of Ann Terrel;" and find the time same correctly enrolled; and, having been signed by the Speaker of the House of Representatives, and the President of the Senate, they were this day, presented to His Excellency, the Governor, for his approval.

Report read and accepted.

On motion of Mr. Allen,

A committee was raised to wait upon the Hon. Senate, and inform them that the House was ready to receive them in joint session, for the purpose of electing a Public Printer.

The Speaker appointed Messrs. Allen and Davis of R., to constitute said committee.

The committee repaired to the Senate Chamber, and in a

few minutes returned, and reported the duty assigned them performed.

On motion, a committee was raised to wait upon those members who were absent in consequence of sickness, and receive their votes.

The Speaker appointed Messrs. Burroughs and Stewart of Gonzales, to wait upon Messrs. Miller of Houston, and Renfro; and Messrs. Millican and Mosely, to wait upon Messrs. Lott and Irion.

A committee from the Senate, consisting of Messrs. Williamson and Dancy, announced to the House that the Senate had re-considered their vote on the resolution fixing Tuesday, the 7th of March, at 3 o'clock, p. m., to go into the election of Public Printer.

Question—Shall the bill to be entitled "An act to define the time of holding the Courts in the Ninth Judicial District," be engrossed?

The House decided in the affirmative.

Mr. Reagan moved to take from the table, and place among the orders of the day, a bill to be entitled "An act, supplementary to an act, entitled an act, to organize the Judicial Districts of the District Court."

Motion carried.

Mr. Eddy, by leave, made the following report:

The Select Committee, to whom was referred a bill to be entitled "An act regulating the fees and charges of public officers of the State," have had the same under consideration, and have instructed me to report the same back to the House, as amended, and to recommend its passage.

Report received, and the amendments read and adopted.

Mr. Robertson offered a substitute for the bill and amendments.

A bill to be entitled "An Act for the relief of James Stewart,"

Was taken up, and

Read a third time and passed.

A bill to be entitled "An Act to legalize the marriage of Eli Gray and Ann Eliza Gray,"

Was taken up, and

Read a third time, and passed.

A bill from the Senate, to be entitled "An Act to provide for the enumeration of the inhabitants of the State of Texas, &c.,"

Was taken up, and

Read a third time.

Mr. Robertson moved to suspend the rule, and re-refer the bill to the Committee on the Judiciary :

Motion lost.

Question—Shall the bill now under consideration of the House be finally passed ?

The House decided in the affirmative.

A message was received from the Senate, informing the House that a bill to be entitled "An Act to amend the 10th, 11th, 13th and 22d sections of an Act to organize the Supreme Court of the State of Texas; approved, May the 12th, A. D., 1846," had been passed by that body.

A bill to be entitled "An Act to incorporate the town of Palestine, in the county of Anderson,"

Was taken up, and

Read a third time, and passed.

A bill to be entitled "An Act to change the name of the County Seat of Collin county,"

Was taken up, and

Read a third time, and passed.

A bill to be entitled "An Act to prevent fire-hunting,"

Was taken up.

Mr. McCown moved that the bill be read by its caption, and referred to the committee on State Affairs :

Mr. Bourland moved that the bill be laid upon the table :

Motion carried.

On motion of Mr. Potter,

The bill to be entitled "An Act to amend the 10th, 11th, 13th, and 22d sections of an Act to organize the Supreme Court of the State of Texas; approved, May the 12th, A.D. 1846.

Was taken up,

The amendments made by the Senate, were read and concurred in.

A bill to be entitled "An Act to incorporate the Medical and Surgical Society of the State of Texas,"

Was taken up,

A substitute for the bill read and adopted.

Mr. Robertson moved to strike out J. B. Robertson and T. J. Heard :

Motion lost.

Mr. Bogart moved to amend the bill as follows :

Insert Dr. Rogers of Fannin county.

Amendment adopted.

Mr. Miller of H., proposed to amend the bill as follows :

Insert "J. W. Fort and J. C. Darrien :"

Amendment adopted.

Mr. Rayner moved that the bill and amendments be laid upon the table :

Motion carried.

A bill to be entitled "An Act to incorporate the Houston Lyceum,"

Was taken up.

Mr. Reagan moved that the bill be laid upon the table :

Motion lost.

The bill was then ordered to be engrossed.

A bill to be entitled "An Act to authorize Robert H. Porter to construct a turnpike road and establish a ferry on the Trinity River at Porter's Bluff,"

Was taken up.

On motion of Mr. Winkler,

The bill was read by its caption, and

Referred to the committee on Internal Improvements.

The report of the committee on State Affairs in relation to a Resolution of the House, instructing said committee to enquire into the expediency of devising some plan by which a portion of the Seminary Lands surveyed in the county of Grayson, may be brought into market &c.,

Was taken up,

Read and adopted.

The report of the Committee on State Affairs, recommending that the "Resolution to employ counsel in the United States Courts, in behalf of the State," be laid upon the table, was taken up :

Read and adopted.

The "Joint Resolution instructing our Senators and requesting our Representatives in the Congress of the United States, to use their efforts to have a law passed to extend the jurisdiction of Texas over one-half of Sabine Pass, Lake and River,"

Was taken up, and

Read a second time.

On motion of Mr. Davis of R.,

The Joint Resolution was then ordered to be engrossed.

A bill to be entitled "An Act for the relief of Seth Marvin,"

Was taken up, and

Read a second time.

On motion of Mr. Stewart of Gon.,

The bill was then referred to the committee on Military Affairs.

A bill to be entitled "An Act to define the boundaries of the county of Guadalupe,"

Was taken up, and

Read a second time.

On motion of Mr. Carothers,

The bill was then ordered to be engrossed.

A bill to be entitled "An Act to amend the several Acts incorporating the city of Houston,"

Was then taken up, and

Read a first time.

A bill to be entitled "An Act to authorize persons who have located lands through mistake, to float their claims or certificates, and re-locate the same elsewhere,"

Was taken up, and

Read a first time.

On motion,

The bill was rejected.

A bill to be entitled "An Act supplementary to an Act to establish the Judicial Districts of the District Court,"

Was taken up, and

Read a second time.

On motion the bill was then laid upon the table.

Mr. Miller of H., moved that the bill to be entitled "An Act to establish the Judicial Districts of the District Court," be taken up :

Motion carried.

On motion of Mr. Reagan,

The bill was then ordered to be engrossed.

A bill to be entitled "An Act relative to a line of Military Posts on the frontier &c.,"

Was taken up, and

Read a second time.

On motion,

The bill was then laid upon the table.

A bill to be entitled "An Act to organize the Judicial Districts of the District Court,"

Was taken up,

Read a third time, and passed.

The Speaker appointed Messrs. Allen, Rayner, Crutcher, Runnels and Robertson a committee on the part of the House, to confer with a like committee on the part of the Senate, in relation to a "Joint Resolution to employ some suitable person to take charge of the Capitol after the adjournment of the Legislature,"

The report of the committee on County Boundaries relative to a bill to be entitled "An Act to create a new county," recommending that the bill be laid upon the table, was taken up, and Read and accepted.

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills, have examined a bill to be entitled "An Act to establish the Galveston and Red River Railway Company," and find the same correctly enrolled, and having been signed by the Speaker of the House of Representatives and the President of the Senate, was this day presented to His Excellency the Governor for his approval.

Report read and accepted.

A bill to be entitled "An Act to legalize certain headright certificates issued by George W. Mills, former Chief Justice of Liberty county,"

Was taken up, and

Read a second time.

On motion of Mr. Fields,

The bill was ordered to be engrossed.

A bill to be entitled "An Act to amend an Act fixing the mileage and per diem pay of the members of the Legislature,"

Was taken up, and

Read a second time.

Mr. Rayner moved to amend the bill as follows :

"Provided that no member shall receive pay for more than two months :"

Amendment rejected.

Mr. Davis of L., proposed to amend the bill as follows :

Strike out "five," before the word "dollars," and insert, "four."

Amendment adopted.

The question was then put ;

Shall the bill now under consideration of the House be engrossed :

The yeas and nays were called on the engrossment of the bill, and stood as follows :

Yeas—Messrs. Speaker, Allen, Bourland, Bryan, Crutcher, Davis of R., Fields, Haynie, Keenan, Lewis, Lyons, Miller of H., McCown, Saddler, Stoddard and White—16.

Nays—Messrs. Armstrong, Bogart, Burroughs, Carothers, Davis of L., Dennis, DeCordova, Eddy, Edwards Epperson, Hardeman, Miller of C., Millican, Mosely, McNeill, Pease, Perry, Rains, Rayner, Reagan, Robertson, Runnels, Shaw, Stout, Stewart of Gonzales, Truit, Webb, Walling, Winkler, Wheeler, Willis and Wren—33.

The House decided in the negative.

On motion of Mr. Robertson,

The House then adjourned, until to-morrow morning, 9 o'clock.

House of Representatives,
City of Austin, March 8, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs. Speaker, Armstrong, Bogart, Bourland, Burroughs, Bryan, Carothers, Crutcher, Davis of L., Davis of R., DeCordova, Eddy, Edwards, Epperson, Fields, Hardeman, Haynie,

Keenan, Lewis, Miller of C., Miller of H., Millican, Mosely, McCown, McNeill, Pease, Perry, Potter, Rains, Rayner, Reagan, Robertson, Runnels, Saddler, Shaw, Sterne, Stout, Stoddard, Stewart of Gonzales, Truit, Webb, Walling, Winkler, White and Willie.

A quorum present.

The Journal of the preceding day was read and adopted.

Mr. Eddy introduced a bill to be entitled "An Act to authorize the Commissioner of the General Land Office to issue a patent to Dennis Gahagan :"

Bill read a first time.

The rule was suspended :

Bill read a second time ; and,

On motion of Mr. Eddy,

Referred to the Committee on Public Lands.

Mr. Dennis introduced a bill to be entitled "An Act to provide for the collection of the arrearages of the taxes due on property assessed under the laws of the late Republic of Texas:"

Bill read a first time.

Rule suspended :

Bill read a second time ; and,

On motion of Mr. Dennis,

Referred to the Judiciary Committee.

Mr. Fields introduced a bill to be entitled "An Act to allow mileage to Sheriffs and Constrables,"

Bill read a first time.

The Speaker appointed Messrs. Crutcher, Armstrong, Lewis, Runnels and Carothers, a committee on the part of the House, to act with a like committee on the part of the Senate, to memorialize Congress in behalf of the citizens of Texas, who had their property destroyed by the Mexicans, during the Revolution.

Mr. Bogart moved a re-consideration of the vote rejecting a bill regulating the floating of land certificates.

Lost.

On motion of Mr. Stout,

The orders of the day were taken up.

A joint resolution proposing an amendment to the Constitution.

Read a third time:

Mr. Haynie moved a call of the House.

Carried.

Quorum present.

Mr. Sterne moved to excuse Mr. Potter from a call of the House.

Carried.

On motion of Mr. Carothers,

The call of the House was suspended.

The question on the final passage of the resolution was then taken and carried, by the following vote :

Yeas—Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Carothers, Dennis, Davis of L., Davis of R., DeCordova, Eddy, Edwards, Epperson, Fields, Goode, Hardeman, Haynie, Keenan, Lyons, Miller of C., Miller of H., Millican, Mosely, McCown, McNeill, Neal, Pease, Perry, Rains, Rayner, Reagan, Railey, Runnels, Shannon, Shaw, Sterne, Stout, Stoddard, Stewart of Gonz, Taylor, Truit, Webb, Walling, Winkler, Wheeler, White, Willie and Wren—49.

Nays—Messrs. Bryan, Crutcher, Eddy, Potter, and Saddler—5.

A bill to be entitled An act regulating elections, with amendments from the Senate.

Read, and amendments concurred in by the following vote :

Yeas—Messrs. Speaker, Allen, Armstrong, Bourland, Burroughs, Carothers, DeCordova, Epperson, Goode, Haynie, Keenan, Miller of Houston, Millican, Mosely, McCown, Perry, Rayner, Reagan, Railey, Shannon, Shaw, Sterne, Stout, Webb, Walling, Winkler, Willie and Wren—28.

Nays—Messrs. Bogart, Dennis, Davis of Liberty, Davis of Robertson, Eddy, Edwards, Fields, Hardeman, Lyons, Miller of C., McNeill, Pease, Rains, Runnels, Saddler, Stoddard, Stewart of Gonzales, Taylor, Truit, Wheeler and White—21.

A bill to be entitled an act regulating sequestrations, with amendments from the Senate.

Read, and amendments concurred in.

Mr. Burroughs, chairman of the committee on Enrolled Bills, reported that the committee have examined an act to regulate the Public Printing, and find the same correctly Enrolled; and, having been signed by the Speaker of the House,

and President of the Senate, was this day presented to His Excellency, the Governor, for his approval.

Read and accepted.

Mr. Burroughs introduced the following resolution :

Resolved, That the Chief Clerk be required to employ an Assistant Enrolling Clerk or Clerks, under the direction of the committee on Enrolled Bills, and such Clerk or Clerks so employed shall receive for their compensation, the same per diem pay that may be paid to other Clerks.

Read and adopted.

A bill to be entitled an act regulating proceedings in the District Courts, with amendments from the Senate.

Read, and all the amendments concurred in, except amendments to the first and second sections.

Mr. Crutcher, one of the committee on Engrossed Bills, made the following report ;

The committee on Engrossed have examined,

A bill to be entitled an act to apportion the debt of Old Liberty county, between the existing counties of Liberty, Polk and Tyler : Also,

A joint resolution requiring the Commissioner of the General Land Office to cause to be translated and published, certain laws and documents in his office, relating to land titles : Also,

A joint resolution for the relief of E. B. Cogswell : Also,

A joint resolution for the relief of N. B. Mallon and others, members of Capt John C. Hays' spy Company, in the year 1842; Also,

A joint resolution authorizing and requiring the Comptroller of Public Accounts, to issue warrants paying A. B. Gray for services in running and marking the eastern boundary line of Texas, and find the same correctly engrossed.

Read and accepted.

A bill to be entitled an act organizing County Courts, with amendments from the Senate.

Read, and all the amendments concurred in, except the third and fourth sections.

Mr. Davis, of L., introduced the following resolution :

Be it resolved unanimously by the House of Representatives, That, from and after the adoption of this resolution, the *Honorable Senate* shall not make more than *fifty amendments* to any bill originating in this House.

Read, and on motion of Mr. Willie,

Rejected.

A bill to be entitled an act to define the time of holding the Courts in the Tenth Judicial District.

Read a third time and passed.

A bill to be entitled an act, supplementary to an act, to create and organize the county of Panola, with amendments from the Senate.

Read, and amendments concurred in.

A joint resolution for the relief of the heirs of Mark Noble, deceased.

Read a third time and passed.

A joint resolution making an appropriation for the purchase of the Mexican and Spanish law authorities for the use of the State.

Read a second time, and

On motion of Mr. Bourland,

Referred to the Judiciary committee.

A bill to be entitled an act concerning crimes and punishments.

Read a first time.

Rule suspended,

Bill read a second time, and referred to the Judiciary committee.

Mr. Carothers in the Chair.

Leave was granted Messrs. Bryan and Neal to record their votes on the passage of the joint resolution proposing an amendment to the Constitution.

Report of the committee on County Boundaries, recommending the indefinite postponement of a bill creating the county of

Read and adopted.

A bill to be entitled an act to provide for the compiling and correcting maps of the several Land Districts of this State.

Read a second time, and

On motion of Mr. Haynie,

Referred to the committee on the Land Office.

Report of the committee on Claims and Accounts, recommending to be laid on the table, a joint resolution granting a pension to John Frederick.

Read and adopted.

Mr. Sterne moved to adjourn to 3 o'clock, P. M.

Lost.

Mr. Sterne moved a call of the House.

Lost.

A bill to be entitled an act to incorporate the Galveston Manufacturing Company.

Mr. Carothers moved its engrossment.

Mr. Willie moved to lay on the table for the present.

Carried.

A bill to be entitled an act, to amend the first section of an act, defining the mode of conveying property where the wife has an interest.

Read a second time, and

On motion of Mr. Carothers,

Referred to the Judiciary committee.

A bill to be entitled an act, to amend an act, to incorporate the City of New Braunfels, passed 11th May, 1846.

Read a second time, and

On motion of Mr. Lewis,

Referred to the committee on Public Lands.

A bill to be entitled an act to authorize the Commissioner of the General Land Office of the State of Texas, to issue Patents to the different counties in this State, for School Purposes.

Read a second time, and

On motion of Mr. Runnels,

Ordered to be engrossed.

A bill to be entitled an act to provide for the payment of persons commissioned by the Governor, for the trial of Special Cases in the Supreme Court.

Read a second time.

Mr. Carothers moved its reference to the committee on Claims and Accounts.

Lost.

Mr. Willie moved to lay on the table.

Lost,

Mr. Reagan moved the engrossment.

Mr. Bourland moved a call of the House.

Lost.

On motion of Mr. Webb,

The bill was referred to the committee on the Judiciary.

A bill to be entitled an act to incorporate the San Saba Mining Company.

Read a second time, and

On motion of Mr. Crutcher,

Referred to the committee on Internal Improvements.

A bill to be entitled an act to incorporate the town of Indian Point.

On motion of Mr. Davis, of Robertson,

Read by its caption, and ordered to be engrossed.

A bill to be entitled an act to change the name of Hn. Conner to Hn. Valentine Dalton, and to make him a lawful heir of Valentine T. Dalton.

Read a second time, and

On motion of Mr. Robertson,

Ordered to be engrossed.

Report of the Committee on Education, asking to be discharged from the further consideration of the bill to incorporate the Goliad Statistical Society.

Read and adopted.

A bill to be entitled an act for the relief of Columbus C. Browning.

Read a first time.

A joint resolution auditing and acknowledging the claim of Stewart Perry, against the late Republic of Texas.

Read a second time, and

On motion of Mr. Keenan,

Passed to a third reading.

A bill to be entitled an act to authorize the issue of Land Patents to assignees of sheriffs, executors, administrators and guardians.

Read a second time, and

On motion of Mr. Reagan,

Referred to the Judiciary committee.

Mr. Runnels moved to take from the table, and place among the orders of the day, a bill for the relief of Martin Glover, late sheriff of Bowie county.

Carried.

A bill to be entitled an act to incorporate Williamson Academy.

Read a second time, and

On motion of Mr. Robertson,

Referred to the committee on Education.

A bill to be entitled an act for the relief of Alfred Johnson.

Read a second time by caption, and

On motion of Mr. Bogart,

Passed to a third reading.

Mr. Robertson, by leave, reported :

The committee on Internal Improvements, to whom was referred a bill to be entitled an act, to amend an act, to incorporate the Colorado Navigation Company, have had the same under consideration, and a majority of said committee have instructed me to report the bill back, and recommend it to the favorable consideration of the House.

Read and received, to come up in order.

A joint resolution for the relief of W. J. Mills.

Read a second time, and

On motion of Mr. Haynie,

Referred to the committee on Claims and Accounts.

A bill to be entitled an act to enable the former collectors of direct taxes to settle their accounts.

Read a second time, and

On motion of Mr. McNeill,

Referred to the Judiciary committee.

A joint resolution for the relief of Luis Sanchez.

On motion of Mr. Fields,

Laid on the table until to-morrow.

A bill to be entitled an act to create the county of Van Zandt.

Read a first time.

A bill to be entitled an act to organize the Supreme Court of Texas.

Read a second time, and

On motion of Mr. Bourland,

Referred to the Judiciary committee.

Mr. Crutcher moved to take from the table, and place among the orders of the day, a bill to incorporate the Goliad Statistical Society.

Lost.

On motion of Mr. Pease,

A committee was raised to confer with a like committee on the part of the Senate, on the disagreement of the House to the Senate's amendments on the bill to be entitled "An Act organizing Justices' Courts ;" said committee were also instructed to confer with the Senates' committee, on the disagreement of the House to the amendments of the Senate, on the bill to be entitled "An Act to amend an Act entitled an Act to regulate proceedings in the District Court.

The Chief Clerk was instructed to inform the Senate of the

appointment of said committee, and request the appointment of a like committee on the part of the Senate.

The Speaker appointed Messrs. Pease, Armstrong, Davis of L., Willie and Epperson, said committee.

Mr. Bogart moved a call of the House :

Carried.

Mr. Stout moved to adjourn until half-past two o'clock P. M.

Carried.

Half-past 2 o'clock, P. M.

The House met.

The roll was called,

A quorum present.

On motion of Mr. Stout,

The call of the House was suspended.

Mr. Pease, chairman of the Judiciary Committee, made the following report :

To the Hon. J. W. Henderson,

Speaker of the House of Representatives.

The committee on the Judiciary to whom was referred a bill to be entitled "An Act to authorize Guardians in certain cases to remove the effects of their Wards from this State, to any other State or Territory of the United States," have had the same under consideration, and have prepared a general bill in relation to Guardians and Wards, entitled "An Act to regulate proceedings in the County Courts in relation to Guardians and Wards," which they present herewith, and recommend that it be adopted as a substitute.

A bill to be entitled "An Act to authorize Guardians in certain cases to remove the effects of their Wards from this State, to any other State or Territory of the United States, was,

On motion of Mr. Pease,
Taken up with the substitute and report of the Judiciary
Committee :

Substitute read and adopted.

On motion of Mr. Keenan,

Ordered to be engrossed:

Mr. Armstrong, one of the committee on the Judiciary, made the following report :

The Committee on the Judiciary, to whom was referred a bill to be entitled "An Act giving Plaintiffs in execution the benefit of deeds of trust and mortgages, by paying the debts and liabilities secured by them," have had the same under consideration, and have instructed me to report the following substitute, and recommend its adoption.

Read and received to come in their regular order.

Mr. Armstrong, one of the Judiciary Committee, also reported :

The Committee on the Judiciary, to whom was referred a bill with amendments, entitled "An Act to provide for the raising of a jury fund," have had the same under consideration, and have instructed me to report the following substitute, and recommend its adoption.

Read and received to come up in order.

The substitute of the Judiciary Committee for the bill entitled "An Act to raise a jury fund, was taken up,

Read and adopted.

Mr. Mosely moved to strike out \$1 25, and insert \$1 50 cents ;

Rejected.

Mr. Stout moved to amend as follows :

"And that said tax shall be paid by the plaintiff, his agent or attorney. at the time of instituting suit :"

Rejected.

On motion of Mr. Robertson,
Ordered to be engrossed.

Mr. Davis of R., offered a Resolution to go into the election for Public Printer :

Read and adopted.

A message was received from the Senate, informing the House that the Senate had adopted a Resolution fixing Thursday the 9th inst. at 11 o'clock A. M., to go into the election of Public Printer : which,

On motion of Mr. Webb,
Was concurred in by the House.

A bill to be entitled "An Act to apportion the Senators and Representatives of the Legislature, among the several counties of this State :

Substitute read and adopted.

Mr. Carothers moved to fill up the blank before days with "ten."

Carried.

Mr. Millican offered a substitute for the bill : .

Read and rejected.

Mr. Davis of L., moved the previous question :

Lost.

Mr. White moved to to strike out Lavaca, and insert Calhoun in its stead :

Carried.

On motion of Mr. Webb,
Lavaca was added to Victoria.

Mr. Davis of L., moved the previous question :

Lost.

Mr. Robertson offered a substitute for the bill :

Read and rejected.

Mr. Willie moved the previous question :

Which was carried by the following vote :

Yeas—Messrs. Speaker, Armstrong, Bogart, Carothers, Davis of L., Davis, of R., DeCordova, Eddy, Edwards, Epperson, Fields, Goode, Haynie, Keenan, Miller, of H., Mosely, McCown, Neal, Reagan, Railey, Runnels, Saddler, Shannon, Sterne, Stout, Stewart, of Gon., Taylor, Winkler, White Willie and Wren—31.

Nays—Messrs. Allen, Bryan, Dennis, Hardeman, Lewis, Lyons, Miller of C., Millican, McNeill, Pease, Perry, Potter, Rains, Rayner, Robertson, Shaw, Stoddard, Truit, Webb, Walling and Wheeler—21.

A message was received from the Senate, informing the House that the Senate had passed the following bills:—

A bill to be entitled "An Act for the relief of J. Harris Catlin," being a substitute for the Joint Resolution of the House, also,

A bill to be entitled "An Act to incorporate the Houston Mechanics' Institute; also,

A bill to be entitled "An Act to define the boundaries of the county of Austin.

The question on the engrossment of the bill under consideration was then taken, and carried by the following vote:

Yeas—Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Carothers, Davis of L., Davis of R., DeCordova, Eddy, Epperson, Fields, Gooie, Haynie, Keenan, Lewis, Miller of H., Moseley, McCown, Neal, Rayner, Reagan, Railey, Runnels, Saddler, Shannon, Sterne, Stout, Stoddard, Stewart of Gon., Taylor, Winkler, White, Willie and Wren—35.

Nays—Messrs. Burroughs, Bryan, Crutcher, Dennis, Edwards, Hardeman, Lyons, Miller of C., Miller of H., Millican, McNeill, Pease, Perry, Potter, Rains, Robertson, Shaw, Truit, Webb, Walling and Wheeler—20.

Leave was granted Mr. Potter to record his vote on the bill proposing an amendment to the Constitution.

A bill from the Senate, entitled "An Act to amend the several Acts incorporating the city of Houston:

Read a second time.

Mr. Bogart in the Chair.

On motion of Mr. Henderson,

The bill was passed to a third reading.

A bill from the Senate, to be entitled "An Act for the relief of J. P. Wallace and Robert M. Williamson:

Read a first time.

A Joint Resolution from the Senate, on the Proviso, Slavery, the Tariff and the War with Mexico:

Read a first time.

A bill from the Senate, to be entitled "An Act to regulate the issuance of certificates for land to the soldiers of the 1st Regiment of Infantry, of the late Republic of Texas, or to their heirs or assigns :"

Read, and

On motion of Mr. Henderson,

Ordered to lie on the table.

A Joint Resolution to defray the expenses of two expresses sent to Jasper county.

Mr. Willie moved its indefinite postponement :

Lost.

Mr. Willie moved its reference to the Committee on Claims and Accounts :

Lost.

Mr. Dennis moved to lay it on the table :

Lost.

Mr. Willie moved to lay it on the table, until the 4th day of July next;

Which motion prevailed by the following vote :

Yeas — Messrs. Armstrong, Bogart, Bryan, Carothers, Cracher, Dennis, Davis of L., Davis of R., Edwards, Epperson, Hardeman, Haynie, Miller of C., Miller of H., Pease, Perry, Potter, Rains, Rayner, Reagan, Robertson, Shaw, Stout, Stewart of Gon., Taylor, Truit, Webb, Walling, Winkler, Wheeler, White and Willie—32.

Nays — Messrs. Speaker, Bourland, Burroughs, DeCordova, Eddy, Fields, Keenan, Lewis, Mosely, McCown, McNeill, Runnels, Saddler and Sterne—14.

Mr. Willie moved a call of the House :

Carried.

A quorum present.

On motion of Mr. DeCordova,

The call was suspended.

A bill for the relief of those who have purchased lots in the city of Austin and tract adjoining.

Question on the amendment proposed by the committee on Public Lands, was taken and lost.

On motion of Mr. Bourland,

The bill passed to a third reading.

A bill to be entitled "An Act to incorporate the "Milam Liberal Institute," was

On motion of Mr. Shaw,

Read by its caption.

The Question on the engrossment of the bill, was then taken and carried.

A substitute for the Joint Resolution protesting against the United States establishing any Government within the limits of Texas, was

Read and adopted, and

On motion of Mr. McCown,

Ordered to be engrossed.

Report of the Judiciary Committee, recommending that the petition of Jasper Gilbert be laid on the table:

Read and adopted.

Joint Resolution for the purpose of suppressing illegal Banking:

Read a second time.

Mr. Davis of R., moved to strike out "Joint Resolution," and insert, "An Act:"

Carried, and

On motion of Mr. Stout,

Referred to the Judiciary Committee.

A bill to be entitled "An Act providing for the Judges of the 6th and 8th Judicial Districts holding Courts in the 9th Judicial District:

Read a second time, and

On motion of Mr. Reagan,

Indefinitely postponed.

A bill to be entitled "An Act regulating the killing of neat cattle, with a substitute offered by the Select Committee:

Read and substitute adopted.

Mr. Fields moved the engrossment of the bill:

Carried.

A bill to be entitled "An Act regulating fees and charges in the Public Offices of this State:

Read a second time;

Amendments proposed by the Select Committee adopted, and

On motion of Mr. Armstrong,

Referred to the Judiciary Committee, with instructions to report on to-morrow.

A bill to be entitled "An Act requiring the holders of titles &c., to have them recorded in the county where the land is situated, with a substitute offered by the Judiciary Committee :

Read, and substitute adopted.

On motion of Mr. Mosely,

The bill was ordered to be engrossed.

Mr. Bryan, chairman of the committee on Engrossed Bills, reported :

That they have examined a bill to be entitled "An Act making appropriations for the pro-rata pay of Thomas P. Anderson, deceased : also,

A bill to be entitled "An Act to classify the debt of the late Republic of Texas : and

A bill to be entitled "An Act for the ascertainment and adjustment of the liabilities of the late Republic of Texas," and find the same correctly engrossed.

Read and accepted.

A bill to be entitled "An Act authorizing the Comptroller of Public Accounts to Audit the claims of Martin Glover, late Sheriff of Bowie county "

Mr. Willie moved to amend as follows :

After Comptroller of Public Accounts in the first section, strike out the balance of the section, and insert, "is authorized to settle the accounts of all the Sheriffs of this State :

Adopted.

Mr. Bourland moved to amend as follows :

After "Sheriffs," add "and Clerks of the District Courts."

Carried : and,

On motion of Mr. Willie,

Referred to the committee on Finance, with instructions to report as early as practicable.

Mr. Robertson offered the following resolution :

Resolved, That as a standing rule of the House, the Speaker of the House of Representatives shall not vote except under the 8th rule of this House.

Read, and laid on the table one day for consideration.

On motion of Mr. Epperson,

The House adjourned to to-morrow morning, 9 o'clock.

House of Representatives,
City of Austin, March 9th, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs. Speaker, Allen, Armstrong, Bogart, Burroughs, Bryan, Carothers, Crutcher, Dennis, Davis, of L., Davis, of R., DeCordova, Dooley Eddy, Edwards, Epperson, Fields, Goode, Hardeman, Haynie, Keenan, Lewis, Miller of C., Millican, Mosely, McCown, Neal, Pease, Perry, Rains, Rayner, Reagan, Runnels, Saddler, Shannon, Shaw, Sterne, Stout Stoddard, Stewart of Gonzales, Taylor, Webb, Walling, Winkler, Wheeler, and White.

A quorum being present,

The Journal of the preceding day was read and adopted.

The House then proceeded to business.

A message was received from the Senate, informing the House that a bill to be entitled "An Act regulating proceedings in the County Courts, relative to the estates of deceased persons," had been passed by that body, with amendments.

Mr. DeCordova presented the petition of James P. Nash, of the county of Galveston.

On motion, the petition was referred to the committee on Public Lands, without reading.

Mr. Stewart, of Gon., presented the petition of numerous citizens of the town of Seguin, relative to certain free persons of color.

On motion of Mr. Stewart, of Gon., the petition was referred to a select committee, without reading.

The Speaker then appointed Messrs. Stewart, of Gon., Eddy, Runnels, Rayner and Dooley, to constitute said committee.

Mr. Pease, chairman of the committee on the Judiciary, made the following report :

The committee on the Judiciary, to whom was referred a bill to be entitled "An Act to repeal the 18th section of an act entitled an act to incorporate the City of Austin, passed May the 11th, 1846" have had the same under consideration, and have drawn up a substitute for the original bill which is herewith presented, and recommended to the House, for its adoption.

Report read and received, and, together with the bill and substitute, laid upon the table, to come up in their regular order.

Mr. Allen, chairman of the committee on State Affairs, made the following report :

The committee on State Affairs, to whom was referred a bill to be entitled "An Act to provide for the election of Electors of President and Vice President of the United States," have had the same under consideration, and have instructed me to report the bill back to the House, without amendment, and to recommend that it be passed.

Report read and received, and the bill laid upon the table, to come up in its regular order.

Mr. Keenan, chairman of the committee on Education, made the following report :

The committee on Education, to whom was referred a bill to be entitled "An Act to incorporate Williamson Academy," have considered the same, and would respectfully report it back to the House, and recommend its passage.

Report read and received, and the bill laid upon the table, to come up in its regular order.

Mr. Reagan, chairman of the committee on Public Lands, made the following report :

The committee on Public Lands, to whom was referred the petition of Allen Kellough, asking for compensation for military services and a joint resolution for his relief, have had the same under consideration, and have instructed me to report said resolution back to the House and to recommend its passage.

Report read and received, and the joint resolution laid upon the table, to come up in its regular order.

Mr. Reagan, chairman of the committee on Public Lands, also made the following report:

The committee on Public Lands, to whom was referred the petition of Timothy Carpenter, asking the issuance of a patent to his land, have had the same under consideration, and have instructed me to report the accompanying joint resolution, and to recommend its passage.

A "joint resolution to provide for the issuance of a patent to Timothy Carpenter," was

Read a first time.

Mr. Reagan, chairman of the committee on Public Lands, also reported as follows:

The committee on Public Lands, to whom was referred the petition of Jesse Walker, praying for land, have had the same under consideration, and have instructed me to report it back to the House, and ask to be discharged from its further consideration.

Report read and received, and the petition laid upon the table, to come up in its regular order.

Mr. Reagan, chairman of the committee on Public Lands, also made the following report:

The committee on Public Lands, to whom was referred the petition of the heirs of William and Henry Nimmo, deceased, have had the same under consideration, and have instructed

me to report the petition back to the House, and ask to be discharged from its further consideration.

Report read and received, and the petition laid upon the table, to come up in its regular order.

Mr. Reagan, chairman of the committee on Public Lands, also reported as follows :

The committee on Public Lands, to whom was referred the petition of Jacob Becker, asking for a donation of land, have had the same under consideration, and have instructed me to report it back to the House, and ask to be discharged from its further consideration.

Report read and received, and the petition laid upon the table, to come up in its regular order.

Mr. Reagan, chairman of the committee on Public Lands, also made the following report :

The committee on Public Lands, to whom was referred a bill to be entitled "An Act to authorize persons who have located their land claims upon lands not vacant at the time of making their locations, to lift and re-locate them," have had the same under consideration, and have instructed me to report the bill back to the House, and ask to be discharged from its further consideration; inasmuch as a bill which had been passed by the Senate, having the same object, was rejected by the House.

Report read and received, and the bill laid upon the table, to come up in its regular order.

Mr. Reagan, chairman of the committee on Public Lands, also reported as follows :

The committee on Public Lands, to whom was referred the petition of Wm. F. Hodge, asking for land, have had the same under consideration, and have instructed me to report the bill back to the House, and ask to be discharged from its further

consideration, as the petitioner is entitled to his remedy in the courts of his country.

Report read and received, and the petition laid upon the table, to come up in its regular order.

Mr. Reagan, chairman of the committee on Public Lands also made the following report:

The committee on Public Lands, to whom was referred the petition of Alexander Wright, asking the confirmation of his headright land certificate, have had the same under consideration, and have instructed me to report it back to the House, and ask that the petition be read, and that the House take such action thereon, as the merits of the case demand.

Report read and received, and the petition laid upon the table, to come up in its regular order.

Mr. Reagan, chairman of the committee on Public Lands, also reported as follows:

The committee on Public Lands, to whom was referred a bill to be entitled "An Act to authorize the Commissioner of the General Land Office to issue a patent for one league and one labor of land, the headright of Dennis Gahagan, have had the same under consideration, and have instructed me to report the bill back to the House, and to recommend its passage.

Report read and received, and the bill laid upon the table, to come up in its regular order.

Mr. Carothers, chairman of the committee on County Boundaries, made the following report:

The committee on County Boundaries, to whom was referred the petition of sundry citizens, purporting to be of the county of Calhoun, praying that Commissioners be appointed to locate their county seat, and, knowing no reason why the prayer of the said petitioners should not be granted, a ma-

majority of the said committee have instructed me to report the enclosed bill to the House, and to recommend its passage.

Report read and received, and the bill laid upon the table, to come up in its regular order.

Mr. Crutcher, one of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills, have examined a

" Joint resolution instructing our Senators, and requesting our Representatives in the Congress of the United States, to use their efforts to have a law passed to extend the jurisdiction of Texas over one-half of the waters of Sabine Pass, Lake and River ;"

A bill to be entitled "An act to incorporate the Houston Lyceum ;"

A bill to be entitled " An act, to legalize certain headright certificates, issued by Geo. W. Miles, former Chief Justice of Liberty county ;"

A bill to be entitled " An act to fix the times of holding the District Courts of the Ninth Judicial District ;"

A bill to be entitled " An act the better to define the boundaries of the county of Guadalupe ;" and

A bill to be entitled " An act, supplementary to an act, to establish the Judicial Districts of the District Courts ;" and find the same correctly engrossed.

Report read and accepted.

Mr. Neal, chairman of the Select Committee, to whom was referred a resolution in relation to the Territory East of the Rio Grande, and lying in the State of Texas, made the following report :

Committee Room,
March 6th, 1848.

TO THE HON. J. W. HENDERSON,

Speaker of the House of Representatives :

The Select committee, to whom was referred a resolution in relation to the territory lying east of the Rio Grande, and

within the limits of Texas—a bill prohibiting the location of land claims North of the Rio Roxo or Red River of the North—Also, a bill creating the county of Wishita, have had the same under consideration, and respectfully submit the following report:—

Your committee find on examination of the several subjects before them, that the most important proposition presented to their consideration, is the simple question involving the right of Texas, to the district of country East of the Rio Grande. From the best information before your committee, they are strongly impressed with the opinion, that, to doubt for a moment the claim of Texas to said territory, would not only appear absurd to every Texian, but it would be striking a blow at the fundamental principles upon which our government is erected, and questioning the validity of treaties, decrees and established laws.

That Texas, since her organization as a nation, includes within her limits all that portion of territory of New Mexico, lying east and north of the Rio Grande, has never until recently, been questioned; and then, not upon any principle of right or justice, but merely brought forward by our political opponents of the north, as an argument against Texas and against the war of the United States, with Mexico.

Your committee cannot conceive it necessary at this late day, to enter into a protracted argument, to prove, or show, upon what ground, the claims of Texas to this territory are based—these facts have long since been made known and promulgated to the world, by acts of conquest, by treaty, by law, and by occupancy. Texas by the prowess of her arms, conquered all the country east of the Rio Grande—drove west of said river to the Mexican army, and afterwards held peaceable possession and occupied the same up to the present time. It is true that frequent predatory excursions have been made by Mexico within the limits of our State, but they have always been promptly met by the military force of Texas, and driven back beyond the Rio Grande.

If upon no other consideration than the very fact of revolution and conquest, the claim of Texas to this territory, is, in the opinion of your committee, incontrovertible, and should be sustained at all hazards. The right of territory contained within the boundaries of a State, as established at the change of government, whether by revolution or conquest, (to give

confidence to its citizens) ought to belong to, and should be the sole and unequivocal property of said conquered or revolutionized State.

How near this doctrine may conform to the universal established principles of other nations, and in other ages of the world, is not for your committee to enquire. It is the present and the future upon which they have to act, and to deliberate. As the world progresses, and becomes more enlightened, new ideas and new principles should be adopted, so as to conform to the genius of the age in which men live.

The defeat and complete overthrow of the Mexican army at the battle of San Jacinto, in 1836, and a treaty subsequently made by and between Gen. Santa Anna, then President and Dictator of the Republic of Mexico, and the authorities of the Texian Government—conceding to the latter the exclusive right to all territory east of the Rio Grande—should be sufficient evidence to convince a candid and impartial world of the justice of our claim to said territory. This treaty having been ratified on the part of Mexico, by Gen. Santa Anna, who, by the consent or submission of the Mexican nation, was the sole government himself, possessing all power, under the most solemn obligations, and when at perfect liberty, declared that the Rio Grande should be the southwestern boundary of Texas.

In the same year, at the first session of Congress after the adoption of the Constitution of the Republic of Texas, a law was passed, defining the boundaries of the Republic of Texas. That law was approved December 18, 1836, and declared that the Rio Grande, from its mouth to the source of the principal stream of said river, thence due north to the 42d degree of north latitude, &c., should be the boundary line of Texas; and from that date, both the civil and political jurisdiction of Texas have been extended over the greater portion of said territory. Our Constitution and laws were proclaimed and promulgated to the people inhabiting the Rio Grande valley. Our troops occupied the country, not only between the Nueces and Rio Grande, but penetrated high up on said river: yet on account of numerous bands of various Indians who traversed this uninhabited territory, our intercourse was not so frequent with those settlements, as was desired even by these people.

It must be fresh in the recollection of all Texans, that continued solicitations were made by the citizens residing on the

valley of the Rio Grande, that we should incorporate them, and thus they should become organized under our laws and institutions—addresses and petitions were forwarded to our government from Santa Fé and various other towns situated on the Rio Grande, praying that the Constitution and laws of Texas should be extended over said country. This continued application for aid and assistance from our government—exhibiting on the part of these people a desire to enjoy its liberal institutions, gave rise to the memorable Santa Fé expedition, which terminated so unsuccessfully and unprofitably to our government, but not for the want of skill or ability on the part of our troops; but by the perfidious conduct of an American, who (united with the treachery and duplicity of a Mexican officer commanding the station at Santa Fé,) betrayed the expedition to the military commandant of that place.

Thus was the government of Texas for a time foiled in carrying out the intention and spirit of the Constitution and laws of the Republic, and from further complying with the request of the inhabitants of that portion of our Republic who desired that the jurisdiction of Texas should be extended over them.

The impoverished condition of the country, and the disastrous results of her financial affairs, are the only conclusive reasons why the organization of that portion of our State has been so long procrastinated.

In reply to the arguments advanced by some of the leading statesmen of the United States, in opposition to the right of Texas to the territory between the Nueces and Rio Grande, your committee would remark in addition to what they have heretofore stated, that, independently of the occupancy and settlement of Corpus Christi, several families which immigrated to Texas as colonists under Beal's contract, being annoyed by Indians and other difficulties arising in said colony, removed lower down, on the east side of the Rio Grande, and formed settlements in the vicinity of Matamoros, and on the west end of Padre's Island. These people have always declared themselves Texians,—proved up their headright certificates under the laws of Texas, and located the same upon the lands on which they have resided. From the time of the retreat of Gen. Filisola in 1836, to the occupancy of the country west of the Nueces by Gen. Taylor in 1845, not a month elapsed in which there was not a Texian force encamped somewhere on the territory between the Nueces and Rio Grande. These

troops roamed unmolested over this desert prairie, and repeatedly planted the lone star banner upon the banks of the river that formed our extreme southwestern boundary, to wit: the Rio Grande.

Your committee considering all the facts before them, are convinced that said territory is within the limits of Texas, and from its vast importance to the State, immediate steps should be taken to prevent future difficulty, and contention, as to its true boundary. Under the present state of things, Texas should avail herself of the earliest opportunity to extend her jurisdiction over that country, and to adopt such measures as will secure her rights to said territory, and at the same time promote the interest and welfare of the inhabitants who reside within its limits.

This district of country from a point on Red River, one hundred degrees West Longitude, to the Passo del Norte, North contains about 228,000 square miles. The greater portion of which is valueless; notwithstanding, there is a vast quantity of table lands of superior quality—innumerable valleys of alluvial and other fertile lands; still the quantity of good land is not in proportion to other parts of the State nearer the seaboard. It is stated upon good authority, that this region of Texas contains some of the richest silver mines in the world, which will be sought after with great avidity, and open wide fields for the speculator and enterprising miner. This is the only portion of the public domain left to Texas after her land claims are satisfied, out of which to pay her public debt, the greater portion lying below this line now vacant, being absolutely worthless, save for flocks and herds.

This district of country contains a population of some thirty or forty thousand inhabitants, who are chiefly Mexicans, and who live in towns or ranchos along the margin of the Rio Grande. Their principle occupation consists in mining, cultivating the vine, herding of flocks, and now and then engaged in an inconsiderable traffic or trade to Independence, Missouri.

These people at the present time, are living under their ancient laws and customs. A considerable American population, under the protection of the American army, have, and will continue to pour into this country, and no doubt mix with the natives. This American population will not submit to, or respect the Mexican laws, or conform to their usages—they will not be satisfied to live without Government—interest—ambition,

and the spirit of enterprize, will prompt them to set up a Government for themselves, and at this time it is asserted that they are doing so, with the intention of claiming admission into the American Union during the present session of Congress. It is true, that no new State can be formed out of Texas territory without the consent of Texas; yet, unless Texas by some vigorous act, plants herself immoveably upon her rights, all objections on her part against the creation of a new State within her territory, will melt away before consideration of State policy. Our Senators and Representatives in Congress might protest against such an outrageous infraction of the "Joint Resolution;" yet, when the application is made no one can foretell the result.— This State might claim admission as a free State: she will have three votes to cast for President, consequently both of the great political parties in the United States, will feel a deep interest in urging her speedy admission. The great American purpose is fixed. Its course is onward, and nothing can withstand its mighty influence. All the Mexican States bordering on the valley of the Rio Grande, perhaps in all Mexico, must and will eventually fall into the American Union; no force, no obstacle, can stay or direct its uninterrupted advancement, and the extension of civil liberty over the Western continent.

What action Texas should take in a question of so much importance, involving so many many principles connected with her dearest interest, requires serious reflection. A mere declaration, however energetic, will pass away unheeded. And why should it not? So many thousand of the human family left without the advantages of Government,—citizens following their various calling, possessing property, families, and all things dear to life, would soon be induced to attach themselves to some other Government for protection. The only act deemed by us effectual to promote this grand object, would be, to organize these people as citizens of Texas, under our constitution and laws. Give to them and their children an interest in our liberal and wholesome institutions, secure to them their claims to their personal property and their homes. Do this under the protection of the American arms, and these people will yield a willing obedience to our authority. The most feasible and certain plan, is to organize a county and create a Judicial District, with jurisdiction co-extensive with other Judicial Districts of the State, but confined solely to this county. A Judge should be selected for this purpose, who possesses talent and acquainted

with the Spanish language, and a man of fearless and energetic character. One who would exercise the duties of his office with discretion and impartiality, and at the same time, enforce the law with vigor and humanity. These people should be received as citizens, and permitted to have a voice in the councils of the State. They should be entitled to one representative in the lower House of the Legislature of Texas, at the next session of this body.

The location and surveying of all lands within said county should be suspended, until more accurate knowledge of the county could be obtained.

All officers whose functions are not inconsistent with our institutions, and all laws now in force, should be continued until superceeded by a thorough and full organization under our Government.

If demanded, the Governor should be authorized and empowered during the recess of the Legislature, to give the assent of Texas to the creation of a new State, upon such terms and conditions as shall hereafter be provided for by law. For it would seem unjust to delay the right of those people to a speedy admission into the Union, provided it could be effected so as to meet the views of the Texian people.

From their remote situation, any organization or assistance, which we could render them, would be imperfect, and not meet the ends for which government was designed. Should we extend so them every facility within the power of our State to accomplish that object, and they should refuse to accept our propositions, and set up a Government for themselves, and refuse to yield obedience to our authorities and laws, then we should provide effectually for enforcing our laws, and maintaining the sovereignty of our State to the soil.

All organized resistance should be declared treason, and rebellion should be suppressed by the Executive of the State, and if necessary, he should be authorized to call out and military force, sufficient to put down all seditions and infringements of the Constitution and laws of this State.

Should this county be organized as recommended by your committee, the revenues arising from taxation and other resources would more than reimburse the State for all expenditures made in extending our jurisdiction over said territory.

Should our rights to this portion of the State be neglected and not consummated before the meeting of the next Legislature, that country must and will inevitably be lost to the State.

Your committee, after giving the subject all the consideration within their power, will conclude their deliberations, by recommending the passage of the accompanying bill, as a substitute for the several bills before them ; all of which is respectfully submitted.

B. F. NEAL, Chairman,

Report read and received, and together with the Resolution, laid upon the table, to come up in their regular order.

Mr. Allen made the following report .

The Select Committee, raised by the Senate and House of Representatives, to confer respecting the amendment made by the House to a Resolution of the Senate, authorizing the committees on Contingent Expenses of the two Houses, to contract with some suitable person to take charge of the Capitol, &c., respectfully report, that after conference in Joint Committee, it was deemed advisable that the House should recede from its amendment, striking out the words "some suitable person," and inserting "the Chief Clerk of the House of Representatives," which is submitted by your committee, with a recommendation that it be adopted.

[Signed,] JAMES L. ALLEN, Chairman,
On the part of the House.

[Signed,] EDWARD BURLESON, Chairman
Of the Committee of the Senate.

Report read and adopted.

On motion of Mr. McCown,
The House took a recess of twenty minutes.

The House met, pursuant to adjournment.
The Roll was called, and

A quorum being present,
The House proceeded to business.

Mr. Burroughs made the following report:

The Committee of Conference on the part of House, and a like Committee on the part of the Senate, have met and considered a bill to be entitled "An Act for the relief of those persons who are indebted to the State on account of Public Dues, payable in Promissory Notes;" and have been unable to agree, and request that they be discharged from a further consideration of the subject.

[Signed,] JAMES M. BURROUGHS,
Chairman on the part of the House.

[Signed,] R. M. WILLIAMSON,
Chairman on the part of the Senate.

Report read and received, and the bill laid upon the table, to come up in its regular order.

On motion of Mr. McCown,

A committee was appointed to wait upon the Senate, and inform them that the House was ready to go into the election of Public Printer.

The Speaker then appointed Messrs. McCown and Bryan to constitute said committee.

Mr. Carothers moved that a committee be appointed to wait upon Mr. Renfro, and receive his vote for Public Printer.

Motion carried.

Mr. Davis, of Robertson, moved that a committee be appointed to wait upon Mr. Lyons, and receive his vote for Public Printer.

Motion carried.

The Speaker then appointed Messrs. Davis of Robertson and Burroughs, to wait upon Mr. Renfro; Messrs. Walling and Dennis, to wait upon Mr. Lyons: and Messrs. Millican and Railey, to wait upon Messrs. Irion and Lott.

The committee appointed to wait upon the Senate, and inform them that the House was ready to go into the election of Public Printer, returned, and reported the duty assigned them performed.

His Excellency, the Lieut. Governor, and the Hon. Senate, were announced at the bar of the House.

His Excellency, the Lieut. Governor, was invited to a seat on the right of the Speaker, and the Hon. Senators to seats prepared for them.

The following proposals, from Messrs. Cruger & Moore, for printing the Laws and Journals of the present session of the Legislature, were read :

Austin, March 7th, 1848.

To the Honorable, the members of the Senate and House of Representatives :

Gentlemen—

In accordance with a resolution of your Hon. Bodies to elect a Public Printer, to print the Laws and Journals of the Legislature, we submit, for your consideration, the terms upon which we are willing to do said work, to wit :

We will print *correctly* the Laws and Journals of the Second Legislature, as required by law, including folding, stitching and trimming—in fact all the necessary work to be performed by the book-binder, (as we have a good establishment in connection with our Printing Office,) at the rate of one-third of one cent per page ; which will make a volume, of one hundred pages, cost the State *thirty three* (33c.)

As a general dissemination of the laws is much desired, we propose to print, *without any extra charge being made therefor*, all the laws of a general character in the "Telegraph," which, from its extensive circulation, will bring within the reach of almost every citizen of the State, the means of understanding the laws under which they live—where, otherwise, they will be found *only*, in the possession of the judicial officers of the State.

The undersigned would further add, that, if elected by your Hon. body, they are prepared to commence the work without delay, (having on hand all the necessary materials,) and are ready and willing, to give bonds of, from one to ten thousand dollars, as may be required, to print in a neat, *correct*, (in accordance with the copy,) and workmanlike manner, the Laws and Journals ; and to have the volume of the laws of a general character, ready for delivery within *twenty days* after the receipt

of the last manuscript copy necessary for the completion of the volume.

All of which is respectfully submitted.

[Signed]

CRUGER & MOORE,
Publishers of the Telegraph.

The following Proposals from Messrs. Cronican, Miner & Cummings, for printing the Laws and Journals of the present session of the Legislature, were then opened and read :

Texas Democrat Office,
Austin, March 7th, 1848.

To the Honorable the Legislature of the State of Texas, now in session :

The undersigned would most respectfully submit to your Hon. body, the following proposals for the Public Printing, viz :—

We will print, on good paper, in a neat, correct and unexceptionable manner, and within the time prescribed by law, the Laws and Journals of the present session—to include folding, cutting, stitching and trimming, and getting them ready for delivery—at the rate of one-third of a cent per page.

Very respectfully,

[Signed] CRONICAN, MINER & CUMMINGS.

The following Proposals, from Charles De Morse, Esq., for printing the Jouruals of the first session of the Legislature of the State of Texas, were then opened and read :

Austin, March 7th, 1848.

To the Speaker of the House of Representatives:—

The undersigned, a candidate for a portion of the Public Printing, under the provision of the law authorizing the reception of separate bids, for different portions of the work, hereby proposes to print, fold and stitch, the Journals of the first session of the Legislature, at one-half cent per page—doing the work in good style on superior paper, and with new type.

Respectfully,

[Signed]

CHARLES DE MORSE.

The following Proposals, from Messrs. Logan & Sterne, for printing the Journals of both Houses of the Legislature, or either House, for the session of 1846, were then opened and read :

To the Hon. the chairman of the committee, of the Legislature, on Public Printing:—

The undersigned, publishers of the "Victoria Advocate," propose to publish the Journals of both Houses of the Legislature, or either House, for the session of 1846, at 2-3 cents per page.

[Signed]

LOGAN & STERNE.

The following Proposals, from Wm. H. Cushney, Esq., for printing the Laws and Journals of the present Legislature, were then opened and read—

Austin, Feb. 7th, 1848.

To the Hon. the Senate and House of Representatives :

Gentlemen—

The undersigned respectfully proposes, and hereby stipulates and agrees, to print, on good paper, and within the time prescribed by law, and fold, stitch and trim, without extra charge, the Laws of the present Legislature, at the price and rate of *one-third of one cent per page*. And he also hereby proposes and stipulates, and agrees, to print, on good paper, and within the time prescribed by law, and fold and stitch, and trim, without extra charge, the Journals of both Houses of the present Legislature, at the price and rate of *one-third of one cent per page*. He would further remark, that, if chosen Public Printer, he contemplates the establishment of a newspaper at the seat of government; in which he will be able to give publicity to the laws, as fast as they are put in type, without any charge to the State.

The undersigned can submit these propositions, with no better assurance, that the work will be by him faithfully and promptly executed, than he believes is afforded by the manner in which he has heretofore performed his duties as Public Printer.

He will be ready to enter into bond, if these propositions should be accepted by the Legislature.

Very respectfully.

[Signed]

WM. H. CUSHNEY.

On motion of Mr. Davis, of Liberty,

The House first proceeded to the election of a Public Printer or Printers, to print the Laws and Journals of the present Legislature.

The Chief Clerk then called the roll of the House, and Messrs. Cruger & Moore received the votes of the following members :

Messrs. Speaker Armstrong, Bogart, Burroughs, Carothers, Davis of L., Davis of R., DeCordova, Edwards, Epperson, Fields, Goode, Keenan, Lott, Lyons, Miller of C., Miller of H., Mosely, McCown, Pease, Perry, Rains, Renfro, Reagan, Saddle, Shannon, Stout, Stoddard, Taylor, Truit, Walling, Winkler and Wheeler—33.

Mr. Cushney received the votes of the following members :

Messrs. Bourland, Bryan, Crutcher, Dennis, Haynie, Irion, Le is, Millican, Robertson, Railey, Runnels and Willie—12.

Messrs. Logan & Sterne received the votes of the following members :

Messrs. Allen, Neal, Sterne and Stewart of Gon.—4.

Messrs. Cronican, Miner & Cummings, received the votes of the following members :

Messrs. Dooley, Eddy, Hardeman, McNeill, Potter, Rayner, Shaw, Webb, and White—9.

On joint vote of both Houses, Messrs. Cruger & Moore received 47 votes :

Mr. Cushney received 16 votes :

Messrs. Cronican, Miner and Cummings, received 9 votes ; and Messrs. Logan & Sterne received 4 votes.

Messrs. Cruger & Moore having received a majority of all the votes given, were declared, by the Speaker, duly and Constitutionally elected Public Printers for the State of Texas, for the term of two years.

On motion of Mr. Allen, the proposals of Messrs. Logan & Sterne, for printing the Journals of the first Legislature, were withdrawn.

The proposal of Mr. De Morse then being the only one before the House, for printing the Journals of the first Legislature.

Mr. Carothers moved that he, (Mr. DeMorse,) be declared elected by acclamation.

Motion lost.

On a call of the roll of the House by the Chief Clerk, Mr. De Morse received the votes of the following members :

Messrs. Speaker, Armstrong, Bogart, Bourland, Burroughs, Bryan, Carothers, Dennis, Davis of L., Davis of R., DeCordova, Dooley, Eddy, Edwards, Epperson, Fields, Goode, Hardeman, Haynie, Keenan, Lewis, Lyons, Miller of C., Miller of H., Millican, Mosely, McCown, Perry, Potter, Rains, Raynor, Reagan, Robertson, Railey, Runnels, Shannon, Shaw, Sterne, Stout, Stewart of Gonzales, Taylor, Truit, Winkler, Wheeler and White—45.

Mr. "No" received one vote.

On the joint vote of both Houses,

Mr. DeMorse received 63 votes ; which being a majority of all the votes given, he was declared, by the Speaker, to be duly and constitutionally elected Public Printer, to print the Journals of the 1st Legislature of the State of Texas.

The Senate then returned to their Chamber.

Mr. McNeill introduced the following resolution :

"Resolved, That the Legislature of the State of Texas adjourn sine die, on Monday, the 20th inst."

Mr. Willie moved to amend the resolution as follows :

Add, after the word "that," "the Senate concurring."

Amendment adopted.

Mr. Willie moved a reconsideration of the vote, which was given on yesterday, on the engrossment of a bill to be entitled "An act to provide for the apportionment of representation among the several counties of this State."

Mr. Bogart moved that a call of the House be made.

Motion carried.

On motion of Mr. Wheeler,

Mr. Lyons was excused from answering to the call of his name.

On motion of Mr. Walling, the call of the House was suspended.

Mr. Robertson moved that the motion be laid upon the table.

Motion lost.

Question—Shall the vote of the House, which was given on yesterday, on the engrossment of a bill to be entitled "An act to provide for the apportionment of representation among the several counties of this State," be reconsidered ?

The yeas and nays were called, on the reconsideration of the vote, and stood as follows :

Yeas—Messrs. Allen, Burroughs, Bryan, Crutcher, Dennis, Edwards, Hardeman, Haynie, Lewis, Miller of C., McNeill, Neal, Pease, Perry, Potter, Rains, Rayner, Robertson, Shaw, Stoddard, Truit, Webb, Walling, Wheeler, White, and Willie—26.

Nays—Messrs. Speaker, Armstrong, Bogart, Bourland, Carothers, Davis of L., Davis of R., DeCordova, Dooley, Eddy, Epperson, Fields, Goode, Keenan, Miller of H., Mosely, McCown, Reagan, Runnels, Sadler, Shannon, Sterne, Stout, Stewart of Gon., Taylor, Winkler and Wren—27.

The House refused to reconsider the vote,
On motion of Mr. Stout,
The House then adjourned until 2 o'clock, p. m.

2 o'clock, p. m.

The House met pursuant to adjournment;

The roll was called, and

A quorum being present,

The House proceeded to business.

A "Joint resolution for the relief of E. B. Cogswell," was taken up,

Read a third time and passed.

A bill to be entitled "An act to regulate proceedings in the County Courts, relative to the estates of deceased persons, together with the amendments thereto, proposed by the Senate, were taken up, and the

Amendments read.

Mr. Pease moved that the House refuse to concur in the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 14th, 16th, 17th, 21st and 22d amendments of the Senate.

Motion carried.

On motion of Mr. Mosely,

The committee of conference, raised on yesterday, to confer with a like committee on the part of the Senate, in reference to a bill to be entitled "An act regulating proceedings in the District Court," were instructed to take into consideration, also, a

bill to be entitled "An act to regulate proceedings in the County Courts."

A bill to be entitled "An act to amend the several acts incorporating the City of Houston," was taken up,

Read a third time and passed.

A bill to be entitled "An act to classify the Public Debt of the State of Texas," was taken up, and

Read a third time.

The yeas and nays were called on the final passage of the bill, and stood as follows :

Yeas—Messrs. Speaker, Armstrong, Bourland, Bryan, Carothers, Crutcher, DeCordova, Dooley, Eddy, Fields, Goode, Hardeman, Haynie, Keenan, McCown, McNeill, Neal, Robertson, Runnels, Saddler, Shannon, Shaw, Stout, Stoddard, Stewart of Gon., Taylor, Walling and Winkler—28.

Nays—Messrs. Bogart, Dennis, Davis of L., Davis of R., Edwards, Lewis, Miller of C., Millican, Mosely, Pease, Perry, Rains, Rayner, Reagan, Sterne, Truit, Webb, Wheeler and White—19.

So the bill was passed.

A bill to be entitled "An act to provide for the liquidation and adjudication of the Public Debt of the State of Texas," was taken up, and

Read a third time.

The yeas and nays were called on the final passage of the bill, and stood thus :

Yeas—Messrs. Bourland, Bryan, DeCordova, Dooley, Eddy, Fields, Hardeman, Haynie, McCown, McNeill, Neal, Rains, Robertson, Runnels, Shannon, Shaw, Stout, Stoddard, Stewart of Gonzales, Taylor, Truit, Walling and Winkler—23.

Nays—Messrs. Speaker, Armstrong, Bogart, Burroughs, Carothers, Dennis, Davis of L., Davis of R., Edwards, Goode, Keenan, Miller of C., Millican, Mosely, Pease, Perry, Rayner, Reagan, Sterne, Webb, Wheeler and White—22.

So the bill was passed.

Mr. McNeill, by leave, introduced a bill to be entitled "An act to make valid the acts of John D. Banton, as Clerk of the District Court of the county of Walker,"

Bill read a first time

On motion,

The rule of the House, which requires bills to be read on three several days, was suspended.

The bill was then read a second time, and,

On motion,

Ordered to be engrossed.

On motion,

The rule was further suspended, and the bill

Read a third time and passed.

Mr. Burrroughs, chairman of the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined—

A bill to be entitled "An act to create the county of Williamson:"

A bill to be entitled "An act authorizing Jacob F. Winfree to adopt Zachary Taylor Long, as his lawful child:"

A bill to be entitled "An act to establish a State Penitentiary:"

A bill to be entitled "An act for the relief of Isaac Delany:" and,

A bill to be entitled "An act incorporating the Houston Mechanics' Institute:"

And find the same correctly enrolled; and, having been signed by the Speaker of the House of Representatives, and the President of the Senate, they were, this day, presented to His Excellency the Governor for his approval.

Report read and accepted.

A bill to be entitled "An act for the relief of purchasers of Austin City Lots, and Lots on the tract adjoining," was taken up,

Read a third time and passed.

Mr. Haynie in the chair.

A bill to be entitled "An Act for the relief of Alfred Johnson," was taken up.

On motion of Mr. Pease,

The bill was referred to the committee on Public Lands.

A message was received from the Senate, informing the House that a bill to be entitled "An act to create and organize the county of Santa Fé:"

And a bill to be entitled "An act to establish the Eleventh Judicial District:" had been passed by that body.

A "Joint resolution for the relief of Stewart Perry,"

Was taken up, and

Read a third time.

The yeas and nays were called on the final passage of the joint resolution, and stood as follows:

Yeas—Messrs. Speaker, Allen, Bogart, Burroughs, Bryan, Carothers, Davis of L., Davis of R., DeCordova, Dooly, Epperson, Goode, Hardeman, Haynie, Keenan, Lewis, Miller of C., Mosely, McCown, McNeill, Neal, Perry, Rains, Robertson, Shannon, Stout, Stoddard, Sterne, Stewart of Gon., Taylor, Truit, Wheeler, and White—33.

Nays—Messrs. Armstrong, Bourland, Crutcher, Dennis, Eddy, Fields, Millican, Pease, Rayner, Reagan, Runnels, Shaw, Webb, Walling, and Willie—15.

So the joint resolution was passed.

Mr. Webb moved that the bill from the Senate, to be entitled "An act to create and organize the county of Santa Fé," be taken up.

Motion carried.

The bill was then read a first time.

On motion,

The rule of the House, which requires bills to be read on three several days, was suspended.

The bill was then read a second time.

On motion,

The bill was referred to the committee on Federal Relations.

On motion of Mr. Webb,

The bill from the Senate, to be entitled "An act to establish the Eleventh Judicial District of the State of Texas," was then taken up, and

Read a first time.

On motion,

The rule of the House, which requires bills to be read on three several days, was suspended.

The bill was then read a second time.

On motion,

The bill was referred to the committee on Federal Relations.

On motion of Mr. Fields,

A bill to be entitled "An act for the relief of Luis Sanchez,"

Was taken up, and

Read a second time.

On motion the bill was passed to a third reading.

On motion of Mr. Winkler,

The rule of the House, requiring bills to be read on three several days, was suspended.

The bill was then read a third time.

The yeas and nays were called on the final passage of the bill, and stood as follows:

Yeas—Messrs. Allen, Armstrong, Bogart, Bryan, Crutcher, Davis of Liberty, Davis of Robertson, DeCordova, Dooley, Eddy, Epperson, Fields, Goode, Hardeman, Haynie, Keenan, Lewis, Miller of C., Mosely, McCown, McNeill, Neal, Potter, Rains, Reagan, Robertson, Shannon, Sterne, Stout, Stoddard, Taylor, Truit, Walling, Winkler, and White—35.

Nays—Messrs. Bourland, Carothers, Dennis, Millican, Rayner, Saddler, Shaw, Stewart of Gonzales, Webb, and Wheeler—10.

So the bill was passed.

Mr. Fields moved to take from the table and refer to the committee on Public Lands, a bill to be entitled "an act to regulate the issuance of certificates for land to the soldiers of the 1st regiment of infantry of the late Republic of Texas."

Motion carried.

On motion of Mr. Bryan,

A bill to be entitled "an act for the relief of the widow and heirs of Dr. Thomas P. Anderson,"

Was taken up, and

Read a third time.

The yeas and nays were called on the final passage of the bill, and stood as follows:

Yeas—Messrs. Allen, Armstrong, Bogart, Bourland, Bryan, Crutcher, Davis of L., DeCordova, Dooley, Epperson, Fields, Hardeman, Haynie, Keenan, Lewis, Miller of C., Mosely, Mc-

Cown, McNeill, Neal, Potter, Rains, Rayner, Robertson, Shannon, Shaw, Sterne, Stout, Truit; Walling and Winkler—31.

Nays—Messrs. Burroughs, Carothers, Dennis, Eddy, Goode, Millican, Pease, Perry, Runnels, Saddler, Stoddard, Taylor, Webb, Wheeler, and White—15.

So the bill was passed.

Mr. Robertson moved that a call of the House be made.

Motion carried.

On motion.

Mr. Miller of Houston was excused from answering to the call of his name.

A "Joint Resolution authorizing and requiring the Comptroller of Public Accounts, to issue warrants, paying A. B. Gray for services in running and marking the eastern boundary line of Texas,"

Was taken up.

Mr. Sterne moved that a call of the House be made.

Motion carried.

The roll was called, and a quorum found present.

On motion of Mr. Stout,

The call of House was suspended.

Question—Shall the Joint Resolution, now under consideration of the House, be finally passed?

The yeas and nays were called on the final passage of the Joint Resolution, and stood thus:

Yeas—Messrs. Allen, Armstrong, Bogart, Bourland, Bryan, Crutcher, Davis of L., DeCordova, Dooley, Epperson, Fields, Hardeman, Haynie, Keenan, Lewis, Miller of C., Mosely, McCown, McNeill, Neal, Potter, Rains, Robertson, Shannon, Shaw, Sterne, Stout, Truit, Walling, White and Winkler—31.

Nays—Messrs. Burroughs, Carothers, Dennis, Eddy, Goode, Millican, Pease, Perry, Rayner, Runnels, Saddler, Stoddard, Taylor and Webb—14.

So the Joint Resolution was passed.

On motion of Mr. Dooley,

The House then adjourned, until to-morrow morning, 9 o'clock.

House of Representatives,
City of Austin, March 10, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs. Speaker, Allen, Armstrong, Bogart, Bryan, Carothers, Crutcher, Davis of L., Davis of R., Dennis, Dooley, Edwards, Epperson, Fields, Hardeman, Haynie, Keenan, Lewis, Lott, Lyons, Miller of C., Miller of H., Millican, Mosely, McCown, McNeill, Pease, Perry, Potter, Rains, Rayner, Reagan, Robertson, Runnels, Saddler, Shannon, Shaw, Sterne, Stout, Stoddard, Stewart of Gonzales, Taylor, Webb, Walling, Winkler, Wheeler and White.

A quorum present.

The Journal of the preceding day was read and adopted.

The House then proceeded to business.

Mr. Bogart presented the petition of Joseph T. Turner, a citizen of Peters' colony and of Denton county.

Petition read, and

On motion,

Referred to the committee on Public Lands.

A message was received from the Senate informing the House that a bill to be entitled "an act defining the marital rights of parties;"

A bill to be entitled "an act to regulate the time of holding Courts in the fourth Judicial District."

A bill to be entitled "an act authorizing and requiring the Commissioners Courts of counties to regulate roads, appoint overseers, &c," with amendments.

A bill to be entitled "an act to incorporate the city of Nacogdoches," with amendments.

A bill to be entitled "an act to regulate proceedings in cases of forcible entry and detainer."

A "Joint Resolution confirming a certificate for one league and one labor of land issued to John Vanderworth by the Board of Land Commissioners of Austin county, and

A bill to be entitled an act to amend the 3rd section of an

act punishing crimes and misdemeanors, approved, December the 21st, 1836."

Mr. Fields made the following report :

The committee on Finance, to whom was referred a bill to be entitled "an act authorizing and requiring the Comptroller of Public Accounts to settle the Accounts of Martin Glover, late Sheriff of Bowie county," together with certain amendments, adopted by the House, have had the said bills and amendments under consideration, and have instructed me to report the substitute for the bill and amendments, herewith submitted, and to recommend it to the favorable consideration of the House,

Report read and received, and the bill, amendments and substitute laid upon the table to come up in their regular order.

Mr. Robertson, chairman of the committee on Internal Improvements, made the following report :

The committee on Internal Improvements to whom was referred a bill to be entitled "an act to authorize John H. Reagan and his associates, to construct a turnpike road from the town of Buffalo on the Trinity river, across the bottom to the highland in the direction of the town of Corsicana," have had the same under consideration, and beg leave to report it back to the House with an amendment, and to recommend its passage.

Report read and received, and the bill and amendment laid upon the table, to come up in their regular order.

Mr. Robertson, one of the committee on Military Affairs made the following report :

The committee on Military Affairs to whom was referred the proceedings of a public meeting of the citizens of Victoria relative to a National Road to California; and the proceedings of a public meeting of the citizens of the county of Gonzales on

the same subject; and a resolution instructing said committee to enquire into the facts, &c., of the expedition of Brig. Gen. E. H. Tarrant in June, A. D. 1841, and to report thereon, by bill or otherwise, have had the several matters before them, and beg leave to report them back to the House, and ask to be discharged from their further consideration.

Report read and received, and laid upon the table to come in its regular order.

Mr. Reagan, Chairman of the committee on Public Lands made the following report :

The committee on Public Lands to whom was referred a bill to be entitled "an act for the relief of Alfred Johnson," have had the same under consideration, and have instructed me to report it back to the House and to recommend its passage.

Report read and received, and the bill laid upon the table to come up in its regular order.

Mr. Reagan, chairman of the committee on Public Lands also made the following report :

The committee on Public Lands to whom was referred a bill to be entitled "an act to repeal the 11th section of an act entitled an act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants," have had the same under consideration, and have instructed me to report a substitute for the original bill, and to recommend its adoption and passage.

Report read and received, and the bill and substitute laid upon the table to come up in their regular order.

Mr. Reagan, chairman of the committee on Public Lands, also reported as follows :

The committee on Public Lands to whom was referred a bill to be entitled "an act to reserve certain lands from location," have had the same under consideration, and have in-

structed me to report the accompanying substitute to the House and to recommend its adoption and passage.

Report read and received, and the bill and substitute laid upon the table to come up in their regular order.

Mr. Reagan, chairman of the committee on Public Lands also made the following report;

The committee on Public Lands to whom was referred a bill to be entitled "an act to amend an act to incorporate the city of New Braunfels, passed the 11th of May, A. D. 1846," have had the same under consideration and have instructed me to report the bill back to the House and to recommend its passage.

Report read and received, and the bill laid upon the table to come up in its regular order.

Mr. Carothers, chairman of the committee on County Boundaries, made the following report:

The committee on County Boundaries, to whom was referred a bill from the Senate, to be entitled "An Act to provide for fixing the Seat of Justice of Dallas county;" have had the same under consideration, and a majority of said committee, have instructed me to report the same back to the House, and to respectfully recommend its passage.

Report received, and the bill laid upon the table to come up in its regular order.

Mr. Crutcher, one of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills, have examined a bill to be entitled "An Act to apportion the Senators and Representatives of the Legislature among the several counties in this State;"—A "Preamble and Joint Resolutions;"—A bill to be entitled "An Act providing for the payment of Jurors;"—A bill to be entitled "An Act to incorporate the Milam Liberal Insti-

tute;”—A bill to be entitled “An Act to incorporate the town of Indian Point;”—A bill to be entitled “An Act requiring the owners of, and claimants to land in Cass county, to have their titles and and muniments of titles, recorded in Cass county;”—A bill to be entitled “An Act to authorize the Commissioner General of the General Land Office of the State of Texas, to issue Patents to the different counties in this State for School purposes;”—A bill to be entitled “An Act to change the name of Hn. Connor, to Hn. Valentine Dalton, and to make him the lawful heir of Valentine T. Dalton;”—and, a bill to be entitled “An Act to make valid the acts of John D. Banton, as Clerk of the District Court of Walker county;” and find the same correctly engrossed.

Report read and accepted.

Mr. Burroughs, chairman of the committee on Enrolled Bills. made the following report :

The committee on Enrolled Bills, have examined a bill to be entitled “An Act regulating sequestration;”

A bill to be entitled “An Act to define the boundaries of Austin county;”, and

A bill to be entitled “An Act to reduce to its constitutional size, define the boundaries, and permanently locate the county seat of Henderson county;” and find the same correctly enrolled; and having been signed by the Speaker of the House of Representatives and the President of the Senate, they were this day presented to His Excellency the Governor, for his approval.

Report read and accepted.

Mr. Millican introduced the following Resolution :

Resolved, That a committee be raised, to examine the condition of the Adjutant General's Office, and report to this House as early as practicable :

Resolution read and adopted.

The Speaker then appointed Messrs. Millican, Bourland, Allen, Eddy and Bryan, to constitute said committee.

Mr. Robertson, by leave, made the following report :

The Select Committee, to whom was referred the petition of A. Ewing, have had the same under consideration, and a majority of said Committee have instructed me to report the petition back to the House, and to recommend that it be laid upon the table.

Report read and received, and together with the petition laid upon the table, to come up in regular order.

Mr. Stewart of Gonzales, made the following report :

The Select Committee to whom was referred the petition of sundry citizens of Guadalupe county, praying that certain free persons of color therein named, residing in said county, be permitted to remain in this State, have had the same under consideration, and a majority have instructed me to report the accompanying bill, and to recommend its passage.

Report read and received.

A bill to entitled "An Act for the benefit of certain free persons of color ;" was

Read a first time.

Mr. Moseley presented the following protest, and requested that it be spread upon the Journals of the House of Representatives :

P R O T E S T

Of the Hon. Sam. F. Mosely, Against the Action had by the House of Representatives, on a Bill to be entitled "An Act to Provide for the Ascertainment and Adjustment of the Liabilities of the late Republic of Texas."

The undersigned, entertaining the opinionion, that the bill entitled "An Act to provide for the ascertainment and adjustment of the liabilities of the late Republic of Texas," contains provisions that are in direct conflict with the Constitution of the State, which will establish a policy that will inflict injustice, both upon the creditors of the State, and burthen the people

with taxation, and encumber the Public Domain with Land Scrip, that will deprive the State of that inexhaustible source of revenue,—begs leave, respectfully, to have the following *Protest* entered upon the Journals of this House :

The 1st section of the 4th article of the Constitution, declares that the Judicial powers of this State, shall be vested in one Supreme Court—in District Courts, and in such inferior Courts as the Legislature may, from time to time establish ; and such jurisdiction may be vested in corporation Courts, as may be found necessary, and directed by law.

This section of the Constitution, contain a definition and decision of all the Judicial powers and tribunals that can exist under the provisions of any law, made during the existence of this Constitution as the supreme law of the State.

These tribunals are all specifically named, in language that defies sophistry itself, to torture into a meaning different from *that* expressed—as plain and unequivocal as is the definition of the Judicial powers of this State ; yet, it is not more plain, emphatic and certain, than the provisions of this bill, giving as it does, the tribunal it creates, all the powers and authority, that any Court or other tribunal could have or need, to adjudicate or decide upon debts due from the late Republic of Texas, of every kind and description that may be due from that Government : indeed, the provisions of this bill are wholly of a Judicial nature, both in principle, and manifestly so in practice. There is a striking similarity in the powers conferred, and the duties assigned this auditing tribunal, and those confided to the Supreme Court,—for neither of them have a jury to decide the facts. Nor is there any appeal from the decisions made by either, in nearly all the cases decided upon ; and their decisions, so far as the rights of persons interested are concerned, are not only “*res adjudicate*,” but the supreme law of the land.—equally binding as the Constitution itself. Moreover, the duties of no Executive Officer of the State, are more explicitly defined than the duties assigned the Comptroller of Public Accounts and the State Treasurer, who are members of this tribunal : and surely, none ought to be more promptly, and faithfully, and rigidly performed, to promote the general welfare of the State, and enhance the permanent prosperity of the people.

It is equally true, that every act of these officers, when executing the provisions of this bill, will be the exercise of powers *expressly* confided to the Judicial Department of government,

under the absolute mandate of the Constitution, and is *void*, and will be so declared when the question shall be decided upon by the Supreme Court. Therefore, we should not *mock* the creditors of the late Republic of Texas, with *pretended* acknowledgments of debts that are justly due them, and which should be paid at the earliest practicable period.

The undersigned, further *Protests*, that onerous and oppressive, and unnecessary burthens, will be imposed upon our creditors, who have contributed their money, property, labor and all the means that God gave them, to sustain the Government and defend her from her enemies, in the darkest days of her brief, but glorious career. This injustice could be avoided, and justice done to the real friends of Texas, and at the same time, even-handed justice meted out to those false-friends, who have taken advantage of her necessities to reduce her to disgraceful bankruptcy, and rob the people of their blood-bought liberties, by overwhelming them with debts that from their amount and the interest accruing thereupon, promises to be as enduring as time itself, or at least, the race of men who contracted them, and thereby, entail a heritage of taxation and poverty, instead of wealth and liberty, upon their posterity.

This deplorable calamity could be easily avoided, by opening the District Courts to those who hold claims of all kinds, against the late Republic of Texas: there they could audit the debts due them; and should a doubt or dispute arise in this tribunal where the State is represented by her constitutional counsel, and there the creditor has the constitutional safe-guard of a jury of his country to decide upon the facts, and an upright and learned judge to expound the law arising upon and applicable to his rights; and, that too, without the expense of costs or employing counsel, if his claim be an honest and a just one,—whereas, by this bill, he will be compelled to submit his claim to this tribunal—wholly unknown to the Constitution—composed of men, whose duties, connected with the Executive Department of Government, totally disqualifies them from discharging the delicate and important duties imposed upon them by this bill.

The undersigned, further *Protests* against the bill, because it makes the members of the Board it proposes to create, decide upon both the *law* and the *facts* of each claim they adjudicate; thus placing them in the embarrassing position of becoming expounders of the *law*—of the principles of which they are ignorant—and upon the *facts* which will be proven by the party

claimant, and by evidence that would not be admissable in any Courts of Justice ; and thereby, millions of fraudulent and illegal debts will be created, that will deaden the energies, and destroy the credit of our State, while, at the same time, just and meritorious claims and debts may be rejected, because of the refusal to receive legal evidence of the justness and legality of the same by this Board, or the absence of testimony in a remote part of this State ; which if the claim was adjudicated where it originated, could be beyond cavil or doubt. Thus will the action of the Board—from its *ignorance* of the *law*, and the unwise, unjust, and unconstitutional provisions of this bill, work oppressively upon our honest creditors, while it fosters and renders its assistance to those whose interest is, and ever has been, at war with that of the State.

These are but a few of the objections and enormities of this bill, that may be properly styled “A bill to bankrupt the State, impoverish the people, and despoil Texas of her proud and priceless heritage—her public domain.”

This bill is pregnant with a policy which, when delivered and fully developed, will fasten upon the State, a debt of untold millions, that generations yet unborn will not see paid ; unless repudiated by an oppressed and indignant people, or compromised by some legal and constitutional tribunal, known to the Constitution of the State.

The undersigned deems it unnecessary to add further objections to the bill, or dwell longer upon a measure so fraught with policy, of the most deadly hostility to the growing prosperity of the State.

[Signed]

SAM. F. MOSELY.

A bill to be entitled “An act to apportion the debt of Old Liberty county, between the existing counties of Liberty, Polk and Tyler,” was taken up, and

Read a third time.

Mr. Davis, of Liberty, moved that a call of the House be made.

Motion carried.

On motion of Mr. Walling,

The call of the House was suspended.

Mr. Davis, of Liberty, then moved that the bill be referred to a select committee.

Motion carried, and the reference made:

The Speaker appointed Messrs. Davis, of Liberty, Fields, Armstrong, Eddy and Burroughs, to constitute said committee.

A "Joint resolution requiring the Commissioner of the General Land Office, to cause to be translated and published, certain laws and documents in his office, relating to land titles," was taken up, and,

On motion, laid upon the table until to-morrow,

Mr. Pease made the following report:

To the President of the Senate:

and Speaker of the House of Representatives:

The Committee of Conference, to which was referred the first, second, third, fourth, fifth, sixth, seventh, eighth, fourteenth, sixteenth, seventeenth, twenty-first and twenty-second amendments of the Senate, to a bill to be entitled "An act to regulate proceedings in the County Courts, pertaining to estates of deceased persons," disagreed to by the House; and also, the last amendment of the Senate, to said bill, also, disagreed to by the House, have had a meeting, and a free conference respecting said amendments; and have agreed to recommend that the Senate shall recede from their first, fourth, fifth, sixth, seventh, sixteenth, seventeenth and twenty-second amendments to said bill; and that the House shall agree to the third, eighth, fourteenth and twenty-first amendments of the Senate to said bill—that the House shall also agree to the last amendment of the Senate to said bill.

The said committee have also agreed to recommend that the Senate and the House, shall both adopt the following as a substitute for the fourth section of the original bill, in lieu of the second amendment of the Senate, viz:

Section 4th. That no nuncupative will shall be passed within fourteen days after the death of the testator; nor until those who have been entitled, by inheritance, had there been no will, have been cited to contest the same, if they please. Nor shall any such will be probated after six months have elapsed, from the time of speaking the pretended testamentary words, unless the same, or the substance thereof, shall have been committed to writing within six days after making such will. Nor shall any such will be probated, unless it be made in time of

the last sickness of the deceased, at his or her habitation, or where he, or she, has resided for ten days next preceding, except when the deceased is taken sick away from home, and dies before he or she returns to such habitation. Nor shall any such will be probated, unless it be proved, by three credible witnesses, that the testator or testatrix called on some person to take notice, or bear testimony, that such is his or her will, or words of like import; and whenever any such will may be probated, the evidence of the witnesses shall be committed to writing, sworn to and subscribed in open court, by the witnesses, and shall be recorded by the clerk."

The said committee have also agreed to recommend that the forty-sixth section, as amended by the Senate, and agreed to by the House, shall be stricken out: and that the original forty-sixth section be adopted in lieu thereof, by the Senate and the House.

The said committee have instructed us to report the foregoing as the result of their conference, to the Senate and the House, and to ask their concurrence in said recommendations.

9th March, 1848.

[Signed]

E. M. PEASE,

Chairman on the part of the House.

[Signed]

HENRY J. JEWETT,

Chairman on the part of the Senate.

Report read and adopted.

Mr. Pease made the following report;

To the President of the Senate,

and Speaker of the House of Representatives:

The Committee of Conference, to whom was referred the amendments of the Senate, to the first and second sections of an "Act, to amend an act, entitled an act, to regulate proceedings in the District Courts, approved 13th May, A. D. 1846:" which were disagreed to by the House, have met, and had a free conference respecting said amendments, and have agreed to recommend that the Senate shall recede from both of said amendments; and have instructed us to report the result of

their conference to the Senate and the House, and to ask their concurrence in said recommendation.

9th March, 1848.

[Signed]

E. M. PEASE,

Chairman on the part of the House.

[Signed]

HENRY J. JEWETT,

Chairman on the part of the Senate.

Report read and adopted.

Mr. Pease made the following report :

To the President of the Senate,

and the Speaker of the House of Representatives:

The Committee of Conference, to whom was referred the third and fourth amendments of the Senate, to a bill to be entitled "An act to organize County Courts," which were disagreed to by the House, have met, and had a free conference respecting said amendments, and have agreed to recommend that the Senate shall recede from the third amendment to said bill, and that the House shall agree to the fourth amendment to said bill; and the said committee have instructed me to report the result of said conference to the Senate and the House, and to ask their concurrence in said recommendation.

9th March, 1848.

[Signed]

E. M. PEASE,

Chairman on the part of the House.

[Signed]

HENRY J. JEWETT,

Chairman on the part of the Senate.

Report read and adopted.

A "Joint resolution for the relief of the estate of J. P. Lansing, deceased," was taken up,

Read a third time and passed.

A "Joint resolution instructing our Senators, and requesting our Representatives in the Congress of the United States, to use their efforts to have a law passed to extend the jurisdiction of Texas over one-half of Sabine Pass, Lake and River," was taken up,

Read a third time and passed.

A bill to be entitled "An act to incorporate the Houston Lyceum," was taken up, and

Read a third time.

The yeas and nays were called on the final passage of the bill, and stood as follows:

Yeas—Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Carothers, Crutcher, Davis of L., Davis of R., Dennis, Dooley, DeCordova, Edwards, Epperson, Hardeman, Haynie, Lewis, Lott, Lyons, Miller of C., Miller of H., McNeill, Neal, Perry, Potter, Rayner, Saddler, Shaw, Stoddard, Truit, Webb, Winkler, Wheeler and Willie—36.

Nays—Messrs. Eddy, Fields, Millican, Pease, Rains, Stout, Taylor and Walling—8.

So the bill was finally passed.

A bill to be entitled "An act to legalize certain headright certificates, issued by Geo. W. Miles, former Chief Justice of Liberty county," was taken up.

Read a third time and passed.

A bill to be entitled "An Act to fix the times of holding the Courts in the 9th Judicial District," was taken up;

Read a third time and passed.

A bill to be entitled "An Act to define the boundaries of the county of Guadalupe," was taken up,

Read a third time and passed.

A bill to be entitled "An Act to regulate the killing of neat cattle, was taken up, and

Read a third time.

A message was received from the Senate, informing the House that the Senate had adopted the report of the committee of conference, on the amendments of the Senate to a bill to be entitled "An act to amend an act entitled an act to regulate proceedings in the District Courts, approved May the 13th, A. D. 1846 :—" also,

That the Senate had adopted the report of the committee of conference, on the amendments of the Senate, to a bill to be entitled "An act to organize County Courts :—" and

That the report of the committee of conference on the amendments of the Senate to a bill to be entitled "An act to regulate proceedings in the County Court, pertaining to estates of deceased persons," had also been adopted by that body.

Mr. Keenan moved that the rule of the House, which prohibits the amendment of bills on their third reading, be suspended.

Motion carried.

Mr. Bourland then offered the following as an amendment to the bill to be entitled "An act to regulate the killing of neat cattle :

"And all persons occupied in keeping a grist mill or mills, shall keep a record of all the *initials* and *brands* which may be placed upon the *bags* and *sacks* coming and returning from said mills; and have the same *recorded*, as provided for *butchers*, in the preceding section."

Mr. Sterne moved that the sense of the House be taken on the previous question.

Motion carried.

Question—Shall the bill now under consideration of the House, be finally passed ?

The yeas and nays were called on the final passage of the bill, and stood as follows :

Yeas—Messrs. Allen, Armstrong, Burroughs, Bryan, Carothers, Crutcher, Davis of L., Dennis, DeCordova, Eddy, Fields, Hardeman, Keenan, Lott, Miller of C., Millican, Moseley, McNeill, Neal, Pease, Perry, Rains, Rayner, Robertson, Runnels, Shaw, Sterne, Stout, Stoddard, Truit, Webb, Walling, Wheeler and White—34.

Nays—Messrs. Speaker, Bogart, Bourland, Davis, of R., Edwards, Epperson, Haynie, Miller, of H., McCown, Potter, Reagan, Saddler, Stuart, Taylor, Winkler and Willie—16.

So the bill was finally passed.

On motion of Mr. Reagan,

The House adjourned until 3 o'clock, p. m.

3 o'clock, p. m.

The House met pursuant to adjournment.

The Roll was called,

And a quorum found present.

The House then proceeded to business.

A bill to be entitled "An Act to allow mileage to Sheriffs and Constables,"

Was taken up, and

Read a second time.

Mr. Fields moved that the bill be engrossed.

Mr. Epperson moved that the bill be referred to the committee on the Judiciary.

Motion carried,

A bill to be entitled "An Act for the relief of Columbus C. Browning,"

Was taken up, and

Read a second time.

On motion of Mr. Haynie,

The bill was passed to a third reading.

A bill to be entitled "An Act to create the county of Van Zandt,"

Was taken up, and

Read a second time.

On motion of Mr. Stout,

The bill was referred to the committee on County Boundaries.

A bill from the Senate, to be entitled "An act for the relief of James P. Wallace and R. M. Williamson,"

Was taken up, and

Read a second time.

On motion of Mr. Stout,

The bill was passed to a third reading.

A "Joint resolution (from the Senate,) in relation to the Proviso, Slavery, the Tariff and the War with Mexico,"

Was taken up, and

Read a second time.

On motion of Mr. Crutcher,

The joint resolution was referred to the committee on Federal Relations.

The substitute proposed by the Senate, for a bill to be entitled "An act for the relief of J. Harris Catlin," was taken up,

Read and adopted.

The substitute for a bill to be entitled "An Act giving plaintiffs in execution the benefit of deeds of trust and mortgages, by paying the debts and liabilities secured by them,"

Was taken up,

Read and adopted.

On motion of Mr. Armstrong.

The bill was then ordered to be engrossed.

The report of the committee of conference, in relation to a bill to be entitled "An act for the relief of those persons who are indebted to the State on account of public dues, payable in the Promissory Notes of the late Republic,"

Was taken up,

Read and adopted.

A "Joint resolution to provide for the issuing of a patent to Timothy Carpenter,"

Was taken up.

The report of the committee on Public Lands, relative to the petition of Jesse Walker,

Was taken up,

Read and adopted.

A bill from the Senate, to be entitled "An act to incorporate Williamson Academy,"

Was taken up, and

Read a second time.

On motion of Mr. Haynie,

The bill was passed to a third reading.

A bill from the Senate, to be entitled "An act to provide for the election of Electors of President and Vice President of the United States,"

Was taken up.

Mr. Fields moved to amend the bill, by striking out "25," before the word "years," and inserting "21."

Amendment adopted.

On motion of Mr. Walling,

The bill was then passed to a third reading.

The substitute for a bill to be entitled "An act to repeal the 18th section of an act entitled an act to incorporate the City of Austin, passed May the 11th, 1846,"

Was taken up,

Read and adopted.

On motion,

The bill was then ordered to be engrossed.

A "Joint resolution for the relief of Allen Kellough,"

Was taken up, and

Read a second time.

On motion,

The joint resolution was then ordered to be engrossed.

The report of the committee on Public Lands, relative to the petition of Henry Nimmo, was taken up,

Read and adopted.

The report of the committee on Public Lands, relative to the petition of Jacob Barker, and others, was taken up,

Read and adopted.

The report of the committee on Public Lands, in reference to a bill to be entitled "An Act to authorize persons who have located their land claims upon lands not vacant, at the time of making their locations, to lift, and to re-locate them," was taken up,

Read and adopted.

The report of the committee on Public Lands, in relation to the petition of Wm. F. Hodge, was taken up,

Read and adopted.

The petition of Alexander Wright, was taken up, and

Read.

Mr. Stout moved that the petition be referred to a select committee.

Motion carried.

The Speaker then appointed Messrs. Stout, Robertson, Fields, Edwards and Rayner, to constitute said committee.

A bill to be entitled "an act to locate the county seat of Calhoun county,"

Was taken up, and

Read a first time.

The report of the committee on County Boundaries, relative to the petition of the citizens of Lavaca county, was taken up,

Read and adopted.

A bill to be entitled "An act to authorize the Commissioner of the General Land Office to issue a patent to Dennis Gahagan,"

Was taken up, and

Read a second time.

On motion of Mr. Eddy,

The bill was ordered to be engrossed.

Mr. Robertson moved that the House adjourn until to-morrow morning, 9 o'clock.

Motion lost.

Mr. White, chairman of the committee on Military Affairs, made the following report:

The committee on Military Affairs, to whom was referred a bill to be entitled "An act for the relief of Seth Marvin," have had the same under consideration, and have instructed me to report the accompanying bill, as a substitute for the original, and to recommend its passage.

Report, bill and substitute received, and laid upon the table, to come up in their regular order.

Mr. Crutcher moved to take from the table, and place among the orders of the day, a bill to be entitled "An act to incorporate the Goliad Statistical Society."

Motion carried.

A bill to be entitled "An act to change the name of Hn. Conner to Hn. Valentine Dalton, and to make him a lawful heir of Valentine T. Dalton," was taken up,

Read a third time and passed.

A bill to be entitled "An act to authorize the Commissioner of the General Land Office of the State of Texas, to issue patents to the different counties in the State, for School purposes," was taken up,

Read a third time and passed.

A bill to be entitled "an act providing for the payment of Juries."

Was taken up,

Read a third time and passed.

The Preamble and Joint Resolutions instructing our Senators and requesting our Representatives in the Congress of the United States, relative to the jurisdiction of Texas over the territory of Santa Fé,

Was taken up,

Read a third time and passed.

A bill to be entitled "an act to incorporate the Milam Liberal Institute."

Was taken up, and

Read a third time.

Mr. Crutcher moved that the House adjourn until to-morrow morning 9 o'clock.

Motion lost.

Question—Shall the bill now under consideration of the House, be finally passed?

The yeas and nays were called on the final passage of the bill and stood as follows:

Yeas—Messrs. Allen, Armstrong, Bogart, Bryan, Crutcher, Davis of L., Davis of R., DeCordova, Dooley, Eddy, Epperson, Goode, Hardeman, Haynie, Keenan, Lewis, Miller of C., Mosely, McCown, McNeill, Neal, Potter, Rayner, Rains, Reagan, Robertson, Shannon, Sterne, Stoddard, Taylor, Truit, Walling Winkler and White—34.

Nays—Messrs. Bourland, Carothers, Dennis, Fields, Millican, Saddler, Stout, Shaw, Stewart of Gon., Webb and Wheeler—11.

So the bill was finally passed.

A bill to be entitled "an act to incorporate the town of Indian Point."

Was taken up.

Mr. Neal moved that the bill be read by its caption.

Motion carried.

The bill was then read a third time by its caption and passed.

A bill to be entitled "an act requiring the owners of, and claimants to lands, situated in Cass county to have their titles, and muniments of title, recorded in Cass county."

Was taken up, and

Read a third time.

On motion of Mr. Runnels,

The House then adjourned until to-morrow morning, 9 o'clock.

Question Pending, on the final passage of the bill under consideration of the House.

House of Representatives,
City of Austin, March 11th, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Bryan, Crutcher, Davis, of L., Davis of R., DeCordova, Eddy, Ed-

wards, Epperson, Fields, Goode, Hardeman, Haynie, Keenan, Lott, Lyons, Miller of C., Miller of H., Mosely, McCown, McNeill, Neal, Pease, Perry, Rains, Rayner, Robertson, Runnels, Shaw, Sterne, Stout, Stoddard, Stewart, Truit, Webb, Walling, Wheeler, and Willie.

A quorum being present,

The Journal of the preceding day was read and adopted.

The House then proceeded to business.

Mr. Dennis presented the petition of Henry Gibson.

On motion,

The petition was referred to the committee on Finance, without reading.

Mr. Pease, chairman of the committee on the Judiciary, made the following report :

The committee on the Judiciary to whom was referred a bill to be entitled "an act authorizing the Governor of the State to employ counsel in certain cases, therein named," have had the same under consideration, and believing some law of the kind is necessary, they have prepared, and recommend to the favorable consideration of the House, a substitute for the original bill.

Report, bill and substitute received, and laid upon the table to come up in their regular order.

Mr. Fields made the following report :

The committee on Finance, to whom was referred the petition of Mary W. Chalmers, asking pay for supplies furnished the troops stationed at this place for its defence, during the Mexican invasion in 1842, have had the same under consideration, and find that ninety-one dollars is justly due said petitioner, and have instructed me to report a bill for her relief which is herewith submitted.

A bill to be entitled "an act for the relief of Mary W. Chalmers."

Read a first time.

Mr. Robertson, chairman of the committee on Internal Improvements, made the following report:

The committee on Internal Improvements, to whom was referred a bill to be entitled "an act to authorize Robert H. Porter to construct a Turnpike road, and establish a ferry on the Trinity river, at Porter's Bluff," have had the same under consideration, and a majority of the committee believing that the bill violates that part of the constitution requiring that every Law, enacted by the Legislature shall embrace but one object, and that expressed in the title, have instructed me to report the bill back to the House, and to recommend that it be laid upon the table.

Report and bill received, and laid upon the table to come up in their regular order.

Mr. Robertson, chairman of the committee on Internal Improvements, also reported as follows:

The committee on Internal Improvements, to whom was referred a bill to be entitled "an act to incorporate the San Saba Mining Company," have had the same under consideration, and have instructed me to report the bill back to the House, and to recommend that it be laid upon the table.

Report and bill received, and laid upon the table to come up in their regular order.

Mr. Robertson, chairman of the committee on Internal Improvements, also made the following report:

The committee on Internal Improvements, to whom referred a bill to be entitled "an act to incorporate the Trinity Navigation Company," have had the same under consideration, and have instructed me to report the same back to the House and to recommend that it be laid upon the table.

Report and bill received, and laid upon the table to come up in their regular order.

Mr. Pease, chairman of the committee on the Judiciary, made the following report :

The committee on the Judiciary to whom was referred a "Joint Resolution making an appropriation for the purchase of the Mexican and Spanish Law authorities for the use of the State," and accompanying papers, have had the same under consideration, and have instructed me to return the bill and papers to the House for its action, and to ask to be discharged from their further consideration.

Report, Joint Resolution, &c., received, and laid upon the table, to come up in their regular order.

On motion of Mr. Taylor,

The House proceeded to the orders of the day.

The sense of the House was taken on the final passage of the bill to be entitled "an act requiring the owners of, and claimants to lands situated in Cass county, to have their titles and muniments of title recorded in Cass county, and the bill finally passed.

A bill to be entitled "an act authorizing and requiring the Commissioner's Courts of counties, to regulate roads, appoint overseers, &c.," together with the amendments proposed by the Senate.

Were taken up, and

The amendments concurred in.

A bill to be entitled "an act to incorporate the city of Nacogdoches," together with the amendments proposed by the Senate.

Were taken up, and

The amendments read and concurred in.

A bill to be entitled "an act for the relief of Columbus C. Browning."

Was taken up.

Mr. Haynie moved a reconsideration of the vote which passed the bill to a third reading.

Motion carried.

Mr Haynie then moved to amend the bill by striking out "Columbus C." before "Browning," and inserting "Christopher Columbus."

Amendment adopted.

On motion,

The bill was then passed to a third reading.

And on a further motion,

Read a third time and passed.

A bill to be entitled "an act for the relief of James P. Wallace and R. M. Williamson."

Was taken up,

Read a third time and passed.

A bill to be entitled "an act to incorporate the Williamson Academy."

Was taken up, and

The yeas and nays were called on the final passage of the bill and stood as follows:

Yeas—Messrs. Speaker, Armstrong, Bogart, Bourland, Carothers, Crutcher, Davis of L., Davis of R., Dennis, DeCordova, Eddy, Edwards, Epperson, Goode, Hardeman, Haynie, Keenan, Lott, Lyons, Miller of C., Miller of H., McCown, McNeill, Neal, Perry, Rayner, Robertson, Saddler, Shannon, Shaw, Sterne, Stoddard, Truit, Webb, Winkler, Wheeler and White—37.

Nays—Messrs. Fields, Millican, Pease, Rains, Runnels, Taylor and Walling—7.

So the bill was finally passed.

A message was received from the Senate, informing the House of the passage by that body, of a

"Joint Resolution authorizing the transfer of one half of a certain lot, in the city of Austin, on certain conditions."

A bill to be entitled "an act to define the boundaries of Travis county," and a

"Joint Resolution for the relief of Garrison Greenwood."

Mr. Webb, one of the committee on Enrolled Bills, made the following report:

The committee on enrolled bills have examined and find correctly enrolled, a bill to be entitled "an act to amend an act supplementary to an act to create and organize the county of Panola," and

A bill to be entitled "an act better defining the marital rights

of parties;" and the said bills having been signed by the Speaker of the House of Representatives, and the President of the Senate, were this day presented to his Excellency, the Governor, for his approval.

Report read and accepted.

A "Joint resolution requiring the Commissioner of the General Land Office to cause to be translated and published, certain laws and documents in his office, relating to land titles," being the special order of the day, was taken up.

Mr. McCown moved that a call of the House be made.

Motion carried.

The Clerk then proceeded to call the roll, and a quorum was found present.

On motion of Mr. Eddy,

The call was suspended.

Mr. Robertson then moved that a call of the House be made.

Motion carried.

The Clerk again proceeded to call the roll, and a quorum was found present.

On motion of Mr. DeCordova,

The call was suspended.

Mr. Willie moved that a committee be appointed to receive the votes of sick members.

Motion carried.

The Speaker then appointed Messrs. Willie and Bourland, to constitute said committee.

Mr. Armstrong moved that the bill be indefinitely postponed.

The yeas and nays were called on the indefinite postponement of the bill, and stood as follows:

Yeas—Messrs. Speaker, Armstrong, Bogart, Bourland, Crutcher, Dennis, Davis of L., Dooley, Eddy, Edwards, Epperson, Fields, Hardeman, Haynie, Keenan, Lott, Lyons, Miller of C., Miller of H., McCown, Pease, Perry, Potter, Rains, Rayner, Robertson, Runnels, Saddler, Shannon, Sterne, Stout, Taylor, Truit, Webb, Walling, Wheeler, White and Willie—38.

Nays—Messrs. Allen, Bryan, Carothers, DeCordova, Goode, Lewis, Millican, Mosely, McNeill, Neal, Reagan, Shaw, Stewart of Gon. and Winkler—14.

Motion carried, and the bill indefinitely postponed.

A bill to be entitled "An act to apportion the Representatives and Senators among the several counties of this State;" was taken up, and

Read a third time.

The yeas and nays were called on the final passage of the bill, and stood as follows:

Yeas—Messrs. Speaker, Armstrong, Bogart, Bourland, Carothers, Davis of Liberty, Davis of Robertson, DeCordova, Eddy, Epperson, Fields, Goode, Haynie, Keenan, Lott, Miller of Houston, Mosely, McCown, Rayner, Reagan, Runnels, Saddler, Shannon, Sterne, Stout, Taylor, Winkler and Wren—29.

Nays—Messrs. Allen, Burroughs, Bryan, Crutcher, Dennis, Edwards, Hardeman, Irion, Lyons, Miller of Colorado, Millican, McNeill, Neal, Pease, Perry, Potter, Rains, Renfro, Robertson, Shaw, Stoddard, Stuart of Gon., Truit, Webb, Walling, Wheeler, Willie and White—28.

So the bill was finally passed.

Mr. Henderson moved that the vote just taken, be reconsidered.

Mr. Pease moved that Mr. Henderson's motion be laid upon the table.

The yeas and nays were called for on the adoption of the motion of Mr. Pease.

Mr. Pease moved that a call of the House be made.

The chair decided that the motion was out of order, as the yeas and nays were being called, on the motion to lay Mr. Henderson's motion on the table.

Mr. Crutcher appealed from the decision of the Chair.

Mr. Willie moved that a call of the House be made, prior to any action being had upon Mr. Crutcher's appeal from the decision just made by the Chair.

The Chair decided Mr. Willie's motion, for a call of the House, out of order.

Mr. Willie appealed from the decision of the Chair.

The sense of the House was then taken in relation to the decision just made by the Chair, and the appeal sustained.

The Clerk then proceeded to call the roll, and a quorum was found present.

Mr. Willie moved that the call of the House be suspended.
Motion lost.

On motion of Mr. Carothers,

Mr. Railey was excused from answering to the call of his name.

On motion of Mr. McCown,

The call was suspended.

Mr. Runnels moved that the sense of the House be taken on the previous question.

Mr. Miller, of Houston, moved that a call of the House be made.

Motion Carried.

The Clerk proceeded to call the roll, and a quorum was found present.

On motion, the call of the House was suspended.

Question—Shall the motion of Mr. Pease, to lay the motion of Mr. Henderson on the table, be adopted?

The yeas and nays were called on the adoption of the motion, and stood as follows:

Yeas—Messrs. Allen, Armstrong, Bryan, Crutcher, Dennis, Dooley, Eddy, Edwards, Hardeman, Haynie, Lewis, Lyons, Miller of C., Millican, McNeill, Neal, Pease, Perry, Potter, Rains, Rayner, Robertson, Shaw, Stewart of Gonzales, Truit, Webb, Walling, Wheeler and Willie—29.

Nays—Messrs. Speaker, Bogart, Bourland, Carothers, Davis of L., Davis of R., DeCordova, Epperson, Fields, Goode, Keenan, Lott, Miller of H., Mosely, McCown, Reagan, Runnels, Saddler, Shannon, Sterne, Stout, Taylor, Winkler and White—24.

Motion carried.

Mr. Willie moved that the House adjourn until 3 o'clock,

P. M.

Motion carried.

Mr. Rayner moved that the vote just taken, be re-considered.

Motion carried.

Mr. McCown moved that the House adjourn until Monday morning, 9 o'clock.

The yeas and nays were called on Mr. McCown's motion to adjourn, and stood as follows:

Yeas—Messrs. Crutcher, Dooley, Lewis, Lyons, Millican, Neal, Perry, Potter, Robertson, Shaw, Stoddard, Stewart of Gon., and White—13.

Nays—Messrs. Speaker, Armstrong, Bourland, Bryan, Carothers, Dennis, Davis of L., Davis of R., DeCordova, Edwards, Epperson, Fields, Hardeman, Haynie, Keenan, Lott, Miller of C., Miller of H., Mosely, McCown, McNeill, Pease, Rains, Rayner, Reagan, Runnels, Saddler, Shannon, Sterne, Stout, Taylor, Truit, Webb, Walling, Winkler, Wheeler and Willie—37.

So the motion was lost.

On motion of Mr. Neal,
The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The roll was called, and a quorum found present.

The House then proceeded to business.

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills have examined a bill to be entitled "An act to regulate proceedings in the County Courts, relating to guardians and wards," and find the same correctly engrossed.

Report read and accepted.

A message was received from the Senate, informing the House of the passage by that body, of the following bills, (which originated in the House of Representatives) with amendments:

A bill to be entitled "An act to provide for the exchange of books, maps and charts;"

A bill to be entitled "An act to organize Justices' Courts, and to define the powers and jurisdiction of the same;"

A bill to be entitled "An act to define the time of holding elections for the several State and County officers, and for Representatives to the United States Congress;"

And the substitute for a bill to be entitled "An act to make an improved charter for the town of Goliad."

The House was also informed that the Senate had passed the following bills, &c., (which originated in the House of Representatives) without amendment :

A bill to be entitled "An act, to amend an act, entitled an act, for the relief of master builders and mechanics of Texas, approved January the 23d, 1839 ;"

A bill to be entitled "An act to amend the seventeenth and nineteenth sections of an act, regulating Juries ;"

A "Joint resolution to validate the election of Mayor and Aldermen, for the City of New Braunfels ;"

A "Joint resolution for the relief of Robert H. Beale, who was permanently disabled in the service of the country ;" and

A "Joint resolution for the relief of Henry M. Smith."

Question pending on Mr. Rayner's motion to re-consider the vote to lay the motion for the re-consideration of the vote which passed the bill to be entitled "An act, to apportion the Representatives and Senators among the several counties of this State," upon the table.

Mr. Bourland moved that a call of the House be made.

Motion carried.

Mr. Allen moved that the call be suspended.

Motion lost.

Mr. Robertson moved a suspension of the call.

Motion lost.

On motion of Mr. Crutcher,

Mr. Willie was excused from answering to the call of his name.

Mr. Dooley moved that the call of the House be suspended :

Motion lost.

On motion of Mr. Bourland,

The call was suspended.

Question—Shall the motion made by the gentleman from Fort Bend, be adopted ?

The yeas and nays were called on the adoption of Mr. Rayner's motion to reconsider, &c., and stood as follows :

Yeas—Messrs. Speaker, Armstrong, Bogart, Bourland, Carothers, Davis of L., Davis of R., DeCordova, Dooley, Eddy, Esperson, Fields, Goode, Keenan, Lott, Miller of H., Mosely, McCown, Rayner, Reagan, Railey, Runnels, Saddler, Shannon, Sterne, Stout, Taylor and Winkler—28.

Nays—Messrs. Allen, Burroughs, Bryan, Crutcher, Dennis,

Edwards, Hardeman, Lyons, Miller of C., Millican, McNeill, Neal, Pease, Perry, Potter, Rains, Robertson, Shaw, Stoddard, Stewart of Gonzales, Truit, Webb, Walling, Wheeler and White—25.

Motion carried.

Question pending on the reconsideration of the vote.

Mr. Neal moved that a call of the House be made:

Motion carried.

The Clerk then proceeded to call the roll, and a quorum was found present.

Mr. Davis of R., moved that Mr. Lewis be excused from answering to the call of his name:

Motion carried.

On motion of Mr. Stout,

The call of the House was suspended.

The yeas and nays were then called on the reconsideration of the vote in question, and stood as follows:

Yeas—Messrs. Allen, Bryan, Crutcher, Dennis, Edwards, Hardeman, Haynie, Lyons, Miller of C., Millican, McNeill, Neal, Pease, Perry, Potter, Rains, Robertson, Shaw, Stoddard, Stewart of Gonzales, Truit, Webb, Walling, Wheeler and White—25.

Nays—Messrs. Speaker, Armstrong, Bogart, Bourland, Burnughs, Carothers, Davis of L., Davis of R., De Cordova, Dooley, Eddy, Epperson, Fields, Goode, Keenan, Lott, Miller of H., Mosely, McCown, Rayner, Reagan, Railey, Runnels, Saddler, Shannon, Sterne, Stout, Taylor and Winkler—29.

So the House refused to reconsider the vote.

A bill to be entitled "An Act to regulate proceedings in the County Courts relating to guardians and wards;"

Was taken up.

On motion of Mr. Allen,

The bill was read a third a time by its caption and passed.

On motion of Mr. Stoddard,

The communication from the Governor was taken up.

On motion of Mr. Webb;

The communication was referred to the Committee on County Boundaries.

On motion of Mr. Webb,

The bill to be entitled "An Act to create the County of Santa Fe ;"

Was taken up, and the amendments offered by the committee read.

Mr. Webb offered the following as a substitute for the amendment to the 3d section of the bill :

"Said county shall not be entitled to a separate Land District ;—nor shall the County Court issue Land Certificates."

Substitute adopted.

Question—Shall the amendment, as amended, be adopted by this House ?

The House decided in the affirmative.

The bill was then passed to a third reading.

On motion,

The rule of the House, which requires bills to be read on three several days, was suspended, and

The bill was read a third time and passed.

Mr. Bourland in the Chair.

On motion of Mr. Webb,

The bill to be entitled "An Act to establish the 11th Judicial District ;"

Was taken up and read.

On motion of Mr. Webb,

The bill was passed to a third reading.

Mr. Robertson moved that the rule of the House, which requires bills to be read on three several days, be suspended :

Motion carried.

The bill was then read a third time, by its caption, and passed.

Mr. Goode moved to take from the table the motion to reconsider the vote refusing to engross the bill, to be entitled "An Act making appropriations for the support of the Government for the years 1848 and 1849 :"

Motion lost.

Mr. Allen moved to take up a bill, to be entitled "An Act for the relief of Leslie Combs :"

Motion lost.

A bill to be entitled "An Act to reserve from location certain lands ;"

Was taken up.

The substitute (for the bill under consideration) offered by the Committee on Public Lands, was
Read and rejected.

Mr. Stout moved that the original bill be laid upon the table.

The yeas and nays were called on the adoption of Mr. Stout's motion, and stood as follows :

Yeas—Messrs. Armstrong, Bogart, Bourland, Burroughs, Crutcher, Dennis, Davis of L., Eddy, Edwards, Epperson, Lott, McNeill, Rains, Reagan, Saddler, Shannon, Stout, Taylor, Walling and Winkler—20.

Nays—Messrs. Speaker, Allen, Bryan, DeCordova, Dooley, Fields, Hardeman, Haynie, Miller of C., Miller of H., Millican, Mosely, Pease, Perry, Rayner, Robertson, Runnels, Shaw, Sterne, Stoddard, Stewart of Gonzales, Truit, Webb, Wheeler and White—25.

Motion lost.

Mr. McNeill offered a substitute for the original bill.

Mr. Winkler offered to amend the substitute as follows :

Insert after the word "Lands," in the 3d line, "which are not occupied by settlers under the Colonial contracts.

Mr. McNeill accepted the amendment.

Mr. Bogart moved that the bill and substitute be laid upon the table, until the 4th day of July next.

The yeas and nays were called on the adoption of Mr. Bogart's motion, and stood as follows :

Yeas—Messrs. Armstrong, Bogart, Bourland, Burroughs, Crutcher, Dennis, Eddy, Edwards, Epperson, Goode, Keenan, Lewis, Lott, Miller of H., McNeill, Potter, Reagan, Robertson, Saddler, Shannon, Sterne, Stout, Taylor, Walling and Winkler—25.

Nays—Messrs. Speaker, Allen, Bryan, Davis of L., DeCordova, Dooley, Fields, Hardeman, Haynie, Miller of C., Millican, Mosely, Pease, Perry, Rayner, Runnels, Shaw, Stoddard, Stewart of Gon., Truit, Webb, Wheeler and White—23.

Motion carried.

On motion of Mr. Winkler,

The House adjourned until Monday morning 9 o'clock.

House of Representatives,
City of Austin, March 13, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names:

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Carothers, Crutcher, Davis of L., Davis of R., Dennis, Dooley, Eddy, Epperson, Fields, Goode, Hardeman, Keenan, Lott, Miller of C., Miller of H., Millican, Mosely, McNeill, Neal, Pease, Perry, Rains, Rayner, Reagan, Railey, Runnels, Saddler, Shaw, Sterne, Stout, Stoddard, Stuart, Taylor, Truit, Webb, Walling, Wheeler, White and Willie.

A quorum being present,

The Journal of Saturday, the 11t inst., was read and adopted.

The House then proceeded to business.

Mr. Webb, chairman of the committee on Federal Relations, made the following report :

The committee on Federal Relations, to whom was referred the "Joint resolution in relation to the *Proviso, Slavery, the Tariff, and the War against Mexico,*" beg leave to report the same back to the House, without amendment, and to recommend their passage.

Report and joint resolution received, and laid upon the table, to come up in their regular order.

Mr. Carothers, chairman of the committee on County Boundaries, made the following report :

The committee on County Boundaries, to whom was referred a bill (from the Senate) to be entitled "An act to create the county of Van Zandt," have had the same under consideration, and, a majority of said committee instruct me to report the same back to the House, with an amendment, and respectfully to recommend its passage.

Report and bill received, and laid upon the table, to come up in their regular order.

Mr. Neal introduced a bill to be entitled "An act authori-

sing N. M. Varnell to establish a Ferry across Big Bayou and McHenry's Bayou, in Calhoun county."

Bill read a first time.

Mr. Walling introduced a "Joint resolution relative to a division of the State"

Joint resolution read a first time.

Mr. Fields introduced a bill to be entitled "An act to prevent free persons of color from emigrating to, and settling in this State."

Bill read a first time.

Mr. Stout, chairman of a Select Committee, reported a bill to be entitled "An act for the relief of Alexander Wright."

Bill read a first time.

Mr. Robertson introduced a bill to be entitled "An act granting to Baylor University, two leagues of land."

Bill read a first time.

A message was received from the Senate, informing the House, of the passage by that body, of the following bills :

A bill to be entitled "An act to make valid the acts of Jno. D. Banton, as Clerk of the District Court of the county of Walker ;"

A bill to be entitled "An act to provide and fix the time of holding elections for the several State and County Officers, &c.," with amendments ; and

A bill to be entitled "An act to organize Justices' Courts, and to define the powers and jurisdiction of the same," with amendments.

On motion of Mr. Bogart,

The House proceeded to the orders of the day.

A bill to be entitled "An act to provide and fix the time of holding elections for the several State and County Officers, &c.," with the amendments proposed by the Senate, were taken up.

Amendments read.

The House refused to concur in the first, but concurred in the second amendment.

A bill to be entitled "An act to organize Justices' Courts, and to define the powers and jurisdiction of the same," together with the amendments proposed by the Senate, were taken up.

Amendments read.

The House concurred in the amendments to the thirty-fourth,

fifty-fifth, and sixtieth sections, and in the amendment inserting a new section in lieu of the sixty-sixth section of the bill: but refused to concur in the amendments to the first and eleventh sections.

Mr. Pease moved that a Committee of Conference be appointed to act with a like committee from the Senate, in relation to the bills and amendments just acted on by the House.

Motion carried.

The Speaker then appointed Messrs. Pease, Armstrong and Mosely, to constitute said committee:

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills have examined.—

A "Joint resolution for the relief of Allen Kellough;"

A bill to be entitled "An act to authorize the Commissioner of the General Land Office to issue a Patent for one league and labor of land, the head-right of Dennis Gahagan;"

A "Joint resolution to provide for issuing a Patent to Timothy Carpenter;" and

A bill to be entitled "An act, to amend the eighteenth section of an act, to incorporate the city of Austin, passed May the 11th, A. D. 1846;" and find the same correctly engrossed.

Report accepted.

A bill to be entitled "An act to provide for the exchange of Books, Maps and Charts," together with the amendments proposed by the Senate, were taken up.

Amendments read.

The House refused to concur in the amendments.

On motion of Mr. Webb,

The committee of conference just appointed, were authorized to act, also, in relation to this bill, and the amendments thereto, proposed by the Senate.

A bill to be entitled "An act to make an improved charter of the town of Goliad," together with the substitute offered by the Senate therefor, were taken up.

Substitute read and adopted.

A bill to be entitled "An act to provide for the election of Electors of President and Vice President of the United States," was taken up,

Read a third time and passed.

A bill to be entitled "An act to incorporate the Goliad Statistical Society," was taken up, and

Read a second time.

On motion of Mr. Stoddard,

The bill was ordered to be engrossed.

A bill to be entitled "An act for the benefit of certain free persons of color," was taken up, and

Read a second time.

Mr. Stout moved to amend the bill as follows:

"That the provisions of this act shall apply to Oliver Ingle, of Red River county."

Amendment adopted.

Mr. Sterne offered the following as an amendment to the bill:

"And the free woman of color, *Malinda*, of Nacogdoches county."

Amendment adopted.

Mr. Haynie moved to amend the bill as follows:

Insert, "And the free colored woman *Susan*, of Travis county."

Amendment adopted.

Mr. Robertson offered to amend the bill as follows:

Insert "All free negroes in Texas."

Amendment adopted.

Mr. Reagon moved that the bill and amendments be laid upon the table.

Motion carried.

The report of the Select Committee, recommending that the petition of A. Ewing be laid upon the table, was taken up,

Read and adopted.

The report of the committee on Internal Improvements, recommending that a bill to be entitled "An act to incorporate the Trinity Navigation Company," be laid upon the table, was taken up and read.

The yeas and nays were called on the adoption of the report, and stood as follows:

Yeas—Messrs. Speaker, Armstrong, Dennis, Edwards, Fields, Hardeman, Lyons, Miller of C., Miller of H., Millican, Mosely, McNeill, Perry, Robertson, Shaw, Stout, Taylor, Truitt, Webb, Walling, Wheeler and White.—22

Nays—Messrs. Allen, Bogart, Bourland, Bryan, Carothers,

Crutcher, Davis of L., Davis of R., DeCordova, Eddy, Epperson, Haynie, Neal, Potter, Rayner, Reagan, Runnels, Shannon, Sterne, Winkler and Willie—21.

So the report was adopted.

Mr. Webb, by leave, introduced the following resolution :
Resolved, That, with the concurrence of the Senate, the two Houses of the Legislature will go into the election of a District Attorney for the Eleventh Judicial District, on Thursday next, at 11 o'clock, A. M.

Resolution read and adopted.

A bill to be entitled "An act to authorize John H. Reagan and his Associates to construct a Turnpike Road from the Town of Buffalo, on the Trinity river, accross the bottom, &c.," was taken up, together with the amendment offered by the committee on Internal Improvements.

Amendment read and adopted.

Mr. Stout moved to amend the bill as follows :

"*Provided*, That the provisions of this act shall not prohibit the County Court from establishing a Ferry within one mile of said road."

Amendment rejected.

The bill was then passed to a third reading.

A bill to be entitled "an act for the relief of Martin Glover," together with the substitute to be entitled

"An act to provide for auditing the accounts of District Clerks and Sheriffs of the late Republic of Texas,"

Were taken up.

Substitute read and adopted.

Mr. Armstrong moved that the bill be referred to the committee on claims and accounts.

Motion lost.

Mr. Robertson offered the following as an amendment to the bill :

"*Provided*, That all accounts shall be proven and audited in obedience to the laws in force at the time the services were rendered : and further *Provided*, That the Government shall not be liable for any sum for which the county was liable, under said laws."

Amendment adopted.

Question—Shall the bill now under consideration of the House be engrossed?

The yeas and nays were called on the engrossment of the bill and stood as follows :

Yeas—Messrs. Speaker, Bourland, Bryan, Davis of R., Dennis, Epperson, Fields, Goode, Keenan, Lewis, Mosely, Neal, Robertson, Runnels, Sterne, Stout, Stoddard, Taylor, White and Willie—20.

Nays—Messrs. Allen, Armstrong, Bogart, Carothers, Davis of L., DeCordova, Eddy, Edwards, Hardeman, Haynie, Lyons, Miller of C., Miller of H., Perry, Potter, Rains, Rayner, Reagan, Saddler, Shannon, Shaw, Stewart of Gon., Truit, Walling and Wheeler—25.

So the House refused to engross the bill.

The report of the committee on Military Affairs, asking to be discharged from the further consideration of the proceedings of two public meetings, relative to a National Road, &c.

Was taken up,

Read and adopted.

A bill to be entitled "an act to provide for permanently fixing the county seat of the county of Dallas,"

Was taken up and read.

Mr. Winkler moved to strike out "Thomas Keenan" and "William Jenkins," and insert "William Hoard" and "Micajah Goodeon."

Motion carried.

The bill was then passed to a third reading.

A bill to be entitled "an act to amend an act to incorporate the city of New Braunfels."

Was taken up,

On motion of Mr. Allen,

The bill was laid upon the table.

A bill to be entitled "an act to locate the seat of Justice of Calhoun county."

Was taken up, and

Read a second time.

On motion of Mr. Allen,

The bill was ordered to be engrossed.

A bill to be entitled "an act for the relief of Alfred Johnson,"

Was taken up, and

Read a second time.

On motion,

Passed to a third reading.

A bill to be entitled an act for the relief of Seth Marvin."

Was taken up, and

Read a second time.

On motion of Mr. Crutcher,

The bill was ordered to be engrossed.

A bill to be entitled "an act to amend the 11th section of an act, supplementary to an act to detect fraudulent land certificates and to provide for issuing patents to legal claimants."

Was taken up, and

Read a second time.

On motion,

The bill was then ordered to be engrossed.

A bill to be entitled "an act concerning proceedings in the District Courts,"

Was taken up, and

Read a second time.

Mr. Neal moved that a call of the House be made.

Motion carried.

On motion of Mr. Carothers;

Mr. McCown was excused from answering to the call of his name.

Mr. Davis of Robertson, moved that the call of the House be suspended.

Motion carried.

Question—Shall the bill now under consideration of the House, be engrossed?

The House decided in the affirmative.

A bill to be entitled "an act to define the boundaries of Travis county :"

Was taken up, and

Read a first time.

A "joint resolution for the relief of Garrison Greenwood,"

Was taken up, and

Read a first time.

On motion of Mr. Allen,

The rule of the House which requires bills, &c., to be read on three several days, was suspended.

The joint resolution was then read a second time, and

On motion,

Passed to a third reading.

Mr. Burroughs, Chairman of the committee on Enrolled bills, made the following report :

The committee on Enrolled Bills, have examined the following bills and find the same correctly enrolled.

"An act to amend the 43d section of an act punishing crimes and misdemeanors."

"An act for the relief of J. Harris Catlin."

"An act to regulate the time of holding Courts in the 4th Judicial District," and

"An act for the relief of John Vanderworth."

The said bills having been signed by the Speaker of the House of Representatives, and the President of the Senate, were this day presented to his Excellency, the Governor for his approval.

Report read and accepted.

A bill to be entitled "an act for the relief of Mary Chalmers:"

Was taken up, and

Read a second time.

Mr. Fields moved to strike out the second section of the bill.

Motion carried.

Mr. Webb then moved that the bill be laid upon the table for the present.

Motion carried.

A message was received from the Senate, informing the House of the adoption by that body, of a resolution passed by the House of Representatives to adjourn on Monday, the 20th inst. *en ne die*.

A "joint resolution making an appropriation for the purchase of the Spanish and Mexican Law Authorities."

Was taken up.

Mr. Saddler moved that the joint resolution be indefinitely postponed.

The yeas and nays were called on the indefinite postponement of the joint resolution, and stood as follows:

Yeas—Messrs. Armstrong, Bogart, Bourland, Burroughs,

Dennis, Eddy, Edwards, Epperson, Fields, Goode, Hardeman, Haynie, Keenan, Miller of C., Miller of H., Millican, McNeill, Neal, Perry, Rains, Rayner, Reagan, Robertson, Runnels, Sadler, Shannon, Shaw, Sterne, Stout, Stoddard, Taylor, Traut, Webb, Walling, Winkler, White and Willie—38.

Nays—Messrs. Allen, Bryan, Carothers, DeCordova, Dooley, Mosely, Pease, and Stewart of Gon.,—8.

Motion carried, and

The Joint Resolution indefinitely postponed.

A bill to be entitled "an act to authorize the Governor to employ counsel in certain cases," together with the substitute therefor, offered by the committee on the Judiciary;

Were taken up,

Substitute read and adopted.

Mr. DeCordova moved to amend the bill by inserting the following:

"Provided, That said Counsellor at Law, shall be a resident practising Lawyer of the State of Texas."

Mr. Bryan moved that the bill be made the special order of the day, for to-morrow.

Motion carried.

A bill to be entitled "an act to authorize Robert H. Porter to construct a Turnpike, &c.," together with the report of the committee on Internal Improvements thereon, recommending that said bill be laid upon the table;

Were taken up, and read.

The sense of the House was then taken in reference to the adoption of said report of the committee on Internal Improvements, and the report rejected.

On motion of Mr. Winkler,

The bill was referred to the committee on State Affairs.

The report of the committee on Internal Improvements, recommending that a bill to be entitled "an act to incorporate the San Saba Mining Company," be laid upon the table.

Was taken up,

Read and adopted.

A bill to be entitled "an act to incorporate the Colorado Navigation Company."

Was taken up.

A message was received from the Senate, informing the

House of the concurrence of that body, in the amendment proposed by the House to a bill to be entitled,

"An act for the relief of Christopher C. Browning, and that Messrs. Dancy, Cuney and Parker were appointed a committee of conference to act on the part of the Senate in relation to a bill to be entitled,

"An act to organize Justices Courts, and to define the powers and jurisdiction of the same," and

A bill to be entitled "an act fixing the time for the election of the several State and county officers, &c.

Mr. Bryan offered the following as an amendment to the bill under consideration of the House :

Insert, after the words "to the State," "to be applied under the direction of the Governor, to the clearing out of the raft in the Colorado River :"

Amendment adopted.

Question—Shall the bill now under consideration of the House, be passed to a third reading ?

The yeas and nays were called on the passage of the bill to a third reading and stood as follows :

Yeas—Messrs. Allen, Bourland, Burroughs, Bryan, Crutcher, DeCordova, Hardeman, Lewis, McNeill, Rayner, Reagan, Robertson, Sterne, Stewart of Gon., and Webb—15.

Nays—Armstrong, Bogart, Carothers, Dennis, Davis of L., Davis of R., Edwards, Fields, Goode, Haynie, Miller of C., Miller of H., Millican, Mosely, Neal, Perry, Rains, Saddler, Shannon, Shaw, Stout, Stoddard, Taylor, Truit, Walling, Winkler, Wheeler, White and Willie—29.

So the House refused to pass the bill to a third reading.

On motion of Mr. Stoddard,

The House adjourned until 3 o'clock, P. M.

3 o'clock, P. M.

The House met pursuant to adjournment.

The Roll was called,

And a quorum was found present.

A bill to be entitled "An Act to amend the 18th section of an Act to incorporate the city of Austin; passed, May the 11th, A. D., 1846; "

Was taken up,

Read a third time and passed.

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report :

The committee on Engrossed Bills, have examined a bill to be entitled "An Act for the relief of Seth Marvin," and find the same correctly engrossed ; also,

A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to issue a patent for one league and one labor of land—the head-right of Denis Gahagan," and find said bill correctly engrossed.

Report read and accepted.

A "Joint Resolution to provide for issuing a patent to Timothy Carpenter ;"

Was taken up,

Read a third time and passed.

Mr. Stoddard moved a reconsideration of the vote of the House, which refused to engross the bill to be entitled "An Act making appropriations for the support of the Government for the years 1848 and 1849 :"

Motion carried.

On motion,

The bill was then ordered to be engrossed.

Mr. Davis of L., moved that the rule of the House, which requires bills to be read on three several days be suspended :

Motion lost.

Mr. Potter moved to take from the table, a bill to be entitled "An Act to incorporate the Galveston Manufacturing Company :"

Motion carried.

A bill to be entitled "An Act for the relief of Seth Marvin ;"

Was taken up, and

Read a third time.

On motion of Mr. Allen,
 The bill was laid upon the table until to-morrow morning
 A bill to be entitled "An Act to incorporate the Galveston
 Manufacturing Company ;"
 Was taken up, and
 Read a second time.
 On motion of Mr. Potter,
 The bill was ordered to be engrossed.

Mr. Truit moved a reconsideration of the vote which was given on yesterday, on a bill relative to the *alternate sections* in the different colonies.

Mr. Crutcher moved that the motion be laid upon the table until to-morrow :

Motion carried.

On motion of Mr. Bogart,
 The bill to be entitled "An Act to change the name of the
 County Seat of Collin County ;"
 Was taken up, and the amendments proposed by the Senate;
 read and concurred in.

A message was received from the Senate, informing the House of the passage by that body of the following bills, &c., which originated in the House of Representatives :

A bill to be entitled "An Act for the relief of Thomas J. Stell :"

A bill to be entitled "An Act for the relief of Alfred Briggance :"

A bill to be entitled "An Act to require Sheriffs, Clerks of the District Courts and Clerks of the County Courts, to keep their offices at the County Seats of their respective counties :"

A "Joint Resolution authorizing the Comptroller of Public Accounts to transfer to Solomon L. Johnson, an Austin city Lot ;" and

A bill to be entitled "An Act to establish the County Seat of Cameron County," with an amendment :

A bill, which originated in the Senate, to be entitled "An Act to define the times of holding the District Courts, in the 5th, 6th and 8th Judicial Districts :"

Was taken up,

Read a third time and passed.

On motion of Mr. Bourland.

The House adjourned until to-morrow morning, 9 o'clock.

House of Representatives,
City of Austin, March 14, 1848.

The House met pursuant to adjournment.

The Roll was called, and

The following members answered to their names :

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Bryan, Carothers, Crutcher, Dennis, Davis of L., Dooley, Eddy, Edwards, Epperson, Fields, Goode, Hardeman, Haynie, Lott, Miller of C., Miller of H., McCown, McNeill, Neal, Perry, Rains, Rayner, Reagan, Railey, Runnels, Saddler, Shannon, Shaw, Stout, Stoddard, Stewart of Gon., Taylor, Truit, Webb, Walling, Winkler, Wheeler, White and Willie.

A quorum being present,

The Journal of the preceding day was read and adopted.

The House then proceeded to business.

On motion of Mr. Miller of H.,

Leave of absence was granted to Mr. Renfro for the balance of the session.

Mr. Mosely, one of the committee on the Judiciary, made the following report :

The committee on the Judiciary, to whom was referred a bill to be entitled "An Act to prescribe the manner of legitimating illegitimate children," have had the same under consideration, and have instructed me to offer the accompanying as a substitute for said bill, and to recommend it to the favorable action of the House.

Report, bill and substitute received, and laid upon the table to come up in their regular order.

Mr. Epperson, one of the committee on the Judiciary, made the following report :

The committee on the Judiciary, to whom was referred a bill to be entitled "An Act to provide for the collection of the arrearages of taxes due on property, under the laws of the late Republic of Texas," have had the same under consideration, and have instructed me to report the bill back to the House, and to recommend its passage, with the following amendments :

Amendment 1st, In the 4th section, third line, after the word "lists," strike out "&c., &c.," and insert the words "rolls or documents."

Amendment 2d, Strike out the 7th section, and substitute the following :

"That the provisions of this Act, shall in like manner, extend to the collection of county taxes, due the counties under the laws of the late Republic of Texas."

Report and bill received and laid upon the table, to come up in their regular order.

Mr. Rayner in the Chair.

Mr. Pease, chairman of the committee of Conference, made the following report :

The committee of conference, to whom was referred the amendment made by the Senate, to a bill to be entitled "An Act to define the time of holding elections for the several State and county officers, and for Representatives to the United States Congress ;" which amendment was disagreed to by the House—have met and conferred together respecting said amendment, and they have agreed to recommend that the House agree to said amendment.

The said committee have directed us to report the foregoing as the result of their conference, and to ask that the same be concurred in.

(Signed,)

E. M. PEASE, Chairman,

On the part of the House.

(Signed,)

JON W. DANCY, Chairman,

On the part of the Senate.

Report read and adopted.

Mr. Pease, chairman on the part of the House, of the committee of Conference, also made the following report :

Committee Room,
March 13th, 1847.

*To the President of the Senate,
and the Speaker of the House of Representatives :*

The committee of Conference, to which was referred the amendments made by the Senate, to a bill to be entitled "An Act to organize Justices' Courts and to define the powers and jurisdiction of the same;" which amendments were disagreed to by the House—have met and conferred freely respecting said amendments, and have agreed to recommend that the House shall agree to the amendment of the Senate to the 1st section; and that the House, also, agree to the amendments of the Senate to the 11th section.

They have, also, agreed to recommend that the two Houses adopt the following amendments to the 64th section :

In line 4th, strike out the word "County," and insert in lieu thereof, the words "precinct in the State."

In line 5th, strike out the words, "as nearly equal as may be," and insert in the same line, after the words "Chief Justices," "of their respective counties."

They have also agreed to recommend that the two Houses adopt the following as an additional section :

Sec. 67. That no party, after taking a stay, or an appeal in a Justice's Court, shall be entitled to a writ of *certiorari*, to remove the cause to the District Court; and no writ of *certiorari* shall be granted by a Judge of the District Court, to remove a cause from a Justice's Court, unless the party applying for the same shall make an affidavit, in writing, setting forth sufficient cause to entitle him to such writ. Nor shall any such writ be granted after ninety days from the decision of the cause by the Justice of the Peace; and no writ shall be issued, unless the party applying shall first give bond, with two or more sufficient sureties, payable to the adverse party, conditioned in the same manner as in appeals to the District Court; which bond shall be approved by the Clerk of the District Court, and together with the affidavit shall be filed in his office; and upon service of such *certiorari* being

made on the Justice of the Peace, he shall make out a certified copy of the entries of the cause, on his Docket, and transmit the same with the original papers to the District Court, on or before the first day of the term next thereafter ; and the case may be reviewed and tried *de novo* : and, if the judgment be affirmed, *ten per cent, damages* shall be added, and judgment rendered against all the obligors in such bond."

The said committse have directed us to report the foregoing as the result of their conference, and to ask the concurrence of the two Houses.

[Signed]

E. M. PEASE,

Chairman on the part of the House.

[Signed]

JON W. DANCY,

Chairman on the part of the Senate.

Report read and adopted.

Mr. Fields introduced a "Joint resolution requesting the Hon. John C. Watrous to resign his seat as Judge of the United States District Court, for the State of Texas."

Joint resolution read a first time.

On motion of Mr. Bourland,

The rule of the House which requires bills, &c., to be read on three several days, was suspended.

The joint resolution was then read a second time ; and

On motion of Mr. Reagan,

Referred to a Select Committee.

The Speaker then appointed Messrs. Reagan, Fields, Winkler, Mosely and Webb, to constitute said committee.

Mr. Eddy introduced a "Joint resolution authorizing the Comptroller of Public Accounts to settle with R. S. Neighbors."

Joint resolution read a first time.

Mr. Eddy moved that the rule of the House, which requires bills, &c., to be read on three several days, be suspended.

Motion carried.

The joint resolution was then read a second time, and

On motion, referred to a select committee.

The Speaker then appointed Messrs. Eddy, Haynie, Shaw, Davis of Robertson and Miller of Houston, to constitute said committee.

Mr. Pease, chairman of the committee on the Judiciary, made the following report :

The committee on the Judiciary, to whom was referred a

bill to be entitled "An act to provide for removing the Supreme Court, to the Town of Huntsville," have considered the same, and a majority of the committee have directed me to report the bill back, and to recommend it to the favorable consideration of the House,

Report and bill received, and laid upon the table, to come up in their regular order.

On motion of Mr. Haynie,

The House proceeded to the orders of the day.

A "Joint resolution for the relief of Garrison Greenwood," was then taken up,

Read a third time and passed.

The House refused to concur in the amendment of the Senate, to a bill to be entitled "An act to establish the county seat of the county of Cameron."

Mr. Webb, one of the committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills have examined, and find correctly enrolled, the following bills, to wit.:

"An act regulating Elections; and

"An act to organize the County Courts."

The said bills having been signed by the Speaker of the House of Representatives, and the president of the Senate, were this day presented to His excellency, the Governor, for his approval.

Report read and accepted.

A message was received from the Senate, informing the House of the concurrence of that body, in a "Resolution (of the House,) to go into the election of a District Attorney for the Eleventh Judicial District, on Thursday next, at 11 o'clock, A. M.; and of the passage by that body, of

A bill which originated in the House of Representatives, to be entitled "An act to incorporate the Republican Academy, in the county of Harrison;" and

A bill which originated in the House of Representatives, to be entitled "An act to incorporate the Western Texas Orphan Asylum."

A bill to be entitled "An act for the relief of Alfred Johnson," was taken up,

Read a third time and passed.

A bill to be entitled "An act to provide for fixing perma-

nently, the seat of justice of the county of Dallas," was taken up, Read a third time and passed.

A bill to be entitled "An act to authorize John H. Reagan and his Associates, to open and construct a Turnpike Road from the Town of Buffalo, on the Trinity river, across the bottom, to the high land, on the west side, in the direction of the Town of Corsicana," was taken up, and

Read a third time.

The yeas and nays were called on the final passage of the bill, and stood as follows :

Yeas—Messrs. Allen, Bogart, Bourland, Bryan, Carothers, Davis of L., DeCordova, Dooley, Eddy, Edwards, Epperson, Fields, Goode, Hardeman, Haynie, Keenan, Lott, Lyons, Miller, of H., Mosely, McCown, McNeill, Neal, Potter, Rayner, Saddler, Shannon, Shaw, Sterne, Stoddard, Stewart, of Gon., Truit, Webb, Walling and White—35.

Nays—Messrs. Speaker, Armstrong, Dennis, Miller of C., Millican, Pease, Rains, Runnels, Stout and Taylor—10.

So the bill was finally passed.

The Speaker in the chair.

A bill to be entitled "An act to authorize and require the Governor to employ counsel, to represent the State in suits and actions wherein the State may be interested, that may be taken to the Supreme Court of the United States," was taken up, and read.

Mr. Bryan moved to amend the first section of the bill as follows :

Add the words, "and all other cases involving the rights of the State of Texas, that may be carried to the Supreme Court of the United States."

Amendment adopted.

Mr. Bryan also offered the following as an amendment to the bill :

Strike out of the second section the word "five," and insert "two;" and insert, after the word "dollars," in the same section, "and ten leagues of land."

Mr. Fields moved to amend the amendment, by striking out "ten leagues," and inserting "three leagues."

Amendment rejected.

The sense of the House was then taken on the adoption of Mr. Bryan's amendment, and the amendment adopted.

Mr. DeCordova moved "that the Governor be restricted to the counsellors resident in Texas, in his appointments."

Amendment rejected.

Mr. Bryan then offered the following as an amendment to the bill :

Add to the second section, the words "and when the persons employed by the Governor for the aforementioned purposes, present to him satisfactory evidence that he or they have complied with the provisions of this act, then the Governor shall issue his warrant in favor of said person, or persons, on the Commissioner of the General Land Office, to issue certificates for such quantities of land as he may have contracted for, with said person or persons—to be located at their own expense, on any of the unappropriated domain of the State; and when all the *formula* of the law has been complied with by said person or persons in locating or surveying the same, the Commissioner of the Land Office shall issue Patents to said person or persons, for said land."

Amendment adopted.

Mr. Lott moved to take from the table, and place among the orders of the day, a bill to be entitled "An act, relative to Special Judges of the Supreme Court."

Motion carried.

A bill to be entitled "An act to create the county of Van Zandt," together with the amendment proposed by the Senate, were taken up.

Amendment read and adopted.

The bill was then passed to a third reading.

Mr. Armstrong moved to re-consider the vote of the House, which refused to engross the bill for the benefit of Clerks and Sheriffs.

Mr. Mosely moved that the motion be laid upon the table until to-morrow.

Motion lost.

Question—Shall the vote of the House which refused to engross the bill for the benefit of Clerks and Sheriffs, be re-considered?

The yeas and nays were called on the re-consideration of the vote, and stood as follows :

Yeas—Messrs. Armstrong, Bogart, Bourland, Bryan, Crutcher, Davis of Liberty, DeCordova, Dooley, Eddy, Ed.

wards, Epperson, Fields, Lott, Mosely, Neal, Robertson, Runnels, Sterne, Stout, Stoddard, Taylor and Willie—22.

Nays—Messrs. Speaker, Allen, Carothers, Dennis, Hardeman, Haynie, Keenan, Lyons, Miller of C., Miller of H., Pease, Perry, Potter, Rains, Rayner, Reagan, Shaw, Stewart of Gon., Truit, Walling, Wheeler and White—22.

The question was decided in the negative.

The "Joint resolution in relation to the *Proviso, Slavery, the Turiff, and the War against Mexico*," was taken up.

On motion of Mr. Davis, of Liberty,

The joint resolution was read a second time, by its caption.

Mr. Willie moved to strike out all in the eleventh line of the first section, after the word "States," to the word "as" in the twelfth line, and insert "The Constitution of the United States recognizes slavery."

Amendment adopted.

The bill was then passed to a third reading.

A bill, which originated in the Senate, to be entitled "An act to define the times of holding the District Courts in the Fifth, Sixth and Eighth Judicial Districts," was taken up, and

Read a first time.

On motion,

The rule of the House which requires bills to be read on three several days, was suspended.

The bill was then read a second time, and

On motion,

Passed to a third reading.

A bill to be entitled "An act for the relief of Alexander Wright," was taken up, and

Read a second time:

Mr. Robertson moved that the bill be engrossed.

The yeas and nays were called on the engrossment of the bill, and stood as follows:

Yeas—Messrs. Speaker, Allen, Bogart, Bryan, Carothers, Crutcher, Davis of L., DeCordova, Dooly, Epperson, Fields, Haynie, Keenan, Millican, Mosely, Neal, Rayner, Robertson, Shaw, Sterne, Stout, Stoddard, Walling, Winkler, White and Willie—26.

Nays—Messrs. Armstrong, Bourland, Burroughs, Dennis Eddy, Edwards, Goode, Hardeman, Miller of C., McCown

McNeill, Pease, Perry, Potter, Rains, Reagan, Runnels, Stewart of Gon., Taylor, Webb and Wheeler—21.

So the bill was ordered to be engrossed.

Mr. Reagan in the chair.

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills, have examined, and found correctly enrolled, the following bills, &c.:

"An act concerning proceedings in the District Courts ;"

"An act to incorporate the city of Nacogdoches ;"

"An act for the relief of Master Builders and Mechanics of Texas ;"

"An act authorizing and requiring the County Courts to regulate roads, appoint overseers, &c. ;"

A "Joint resolution authorizing the transfer of one-half of a certain lot in the city of Austin ;"

"An act to amend the seventeenth and nineteenth sections of an act regulating Juries ;" and

"An act to regulate proceedings in cases of *forcible entry and detainer*."

The said bills and joint resolutions having been signed by the Speaker of the House of Representatives, and the President of the Senate, were this day presented to His Excellency, the Governor, for his approval.

Report read and accepted.

A bill to be entitled "An act granting to the Baylor University, two leagues of land," was taken up, and

Read a second time.

On motion of Mr. Willie,

The bill was ordered to be engrossed.

On motion of Mr. Henderson,

The bill to be entitled "An act making an appropriation for the support of the Governmēt, for the years 1848 and 1849," was taken up,

Read a third time and passed.

A bill to be entitled "An act to define the boundaries of Travis county," was taken up, and

On motion of Mr. Haynie,

Read a second time by its caption, and

Referred to the committee on County Boundaries.

Mr. Neal moved to reconsider the vote of yesterday, refus-

ing to pass to a third reading a bill to be entitled "An act to incorporate the Colorado Navigation Company."

Mr. Robertson moved that the motion be laid upon the table.

Motion carried.

Mr. Willie moved to take from the table, and place among the orders of the day, the petition of Jasper Gilbert.

Motion carried.

Mr. Lott moved to take from the table, all bills which have been placed there by the order of the House.

Motion lost.

A bill to be entitled "An act to prevent free persons of color from emigrating to and settling in this State," was taken up.

On motion,

The bill was read a second time by its caption, and

Referred to the committee on State Affairs.

Mr. Bryan, Chairman of the committee on Engrossed Bills, made the following report :

The committee on Engrossed Bills have examined the following bills, and find the same correctly engrossed :

A bill to be entitled "An act concerning proceedings in the District Courts;"

A bill to be entitled "An act making appropriations for the support of the Government, for the years 1848 and 1849;"

A bill to be entitled "An act, to amend the eleventh section of an act, to detect fraudulent land certificates, and to provide for issuing Patents to legal claimants;" and

A bill to be entitled "An act to locate permanently the sea of justice of Calhoun county."

Report read and accepted.

On motion of Mr. Stoddard,

The House adjourned until 3 o'clock, p. m.

3 o'clock, p. m.

The House met pursuant to adjournment.

The roll was called, and a quorum found present.

The House then proceeded to business.

A bill to be entitled "An act authorizing Wm. M. Varnell to

establish Ferries across Big Bayou, and McHenry's Bayou in Calhoun county," was taken up, and.

Read a second time.

On motion of Mr. Fields,

The bill was referred to the committee on Internal Improvements.

Mr. Haynie introduced a "Joint resolution authorizing the Commissioner of the General Land Office to purchase lot No. two, in block No. ninety-seven, in the city of Austin."

Joint resolution read a first time.

On motion of Mr. Haynie,

The rule of the House, which requires bills, &c., to be read on three several days. was suspended.

The joint resolution was then read a second time, and

On motion, referred to the committee on the Land Office.

Mr. Robertson, by leave, introduced the following resolution:

Resolved, as a standing rule of the House, That there shall be no new business introduced after 10 o'clock, a.m. to-morrow, the 15th inst.; and that it shall require a majority of four-fifths to suspend this rule."

Resolution ordered to lie on the table one day for consideration.

A "Joint resolution to give to the people an opportunity of expressing their sentiments as to the division of the State," was taken up, and

Read a second time.

On motion of Mr. Hardeman,

The joint resolution was laid upon the table.

The petition of Jasper Gilbert, was taken up, and read.

On motion of Mr. Reagan.

The petition was referred to the committee on Claims and Accounts.

A message was received from the Senate, informing the House of the passage of the following bills by that body:

A bill to be entitled "An act to authorize the Secretary of State to charge fees in certain cases ;"

A bill to be entitled "An act, to repeal the eleventh section of an act, supplementary to an act, to detect fraudulent land certificates, and to provide for issuing Patents to legal claimants;"

A bill to be entitled "An act, supplementary to an act, to regulate the Public Printing, approved March the 8th, 1848."

The House was also informed that the Senate had passed

the following bills, which originated in the House of Representatives, with amendments :

A bill to be entitled "An act for the regulation of Pilots at the mouth of the Brazos river ;"

A bill to be entitled "An act to incorporate the town of San Augustine ;"

A bill to be entitled "An act to raise a revenue by direct taxation ;"

A bill to be entitled "An act prescribing the punishment for cutting down, carrying away, or destroying trees, or timber upon any land, without the consent of the owner ;"

A bill to be entitled "An act to organize Justice's Courts, and to define the powers and jurisdiction of the same ;"

A bill to be entitled "An act to establish the method of trying the right of property, levied on under writs of execution, sequestration and attachment, where the same is claimed by a person who is not a party to such suit ;"

A bill to be entitled "An act to provide for the exchange of Books, Maps and Charts ;"

A bill to be entitled "An act to define the time of holding elections for the several State and County Officers, and for Representatives to the United States Congress ;" and

A "Joint Resolution" authorising and requiring the Comptroller of Public Accounts to issue warrants paying A. B. Gray, for services in running and marking the Eastern boundary line of Texas."

The House was also informed that the Senate had passed the following bill, which originated in the House of Representatives without amendment :

A bill to be entitled "An Act to incorporate the Huntsville Male Institute ;" and

A bill to be entitled "An Act supplementary to an Act, entitled an Act to restore lands sold for taxes and bid in by the Government, to the former owners ; approved, April 27th, 1846 ; and

That the Senate had concurred in the amendments of the House of Representatives, to a bill to be entitled "An Act to provide for the election of electors of President and Vice President of the United States ;" and

That the reports of the committee of Conference, relative to a bill to be entitled "An Act to organize Justices Courts, and to define the powers and jurisdiction of the same ;" and

A bill to be entitled "An Act to define the time of holding elections for the several State and county officers, and for Representatives to the United States Congress," had been adopted by that body; and

That the Senate insist on the adoption of their amendment, to a bill to be entitled "An Act to provide for the exchange of books, maps and charts."

Mr. Pease, chairman of the committee on the Judiciary, made the following report:

The committee on the Judiciary, to whom was referred a bill to be entitled "An Act to allow mileage to Sheriffs and Constables," have examined the same, and believing that there ought to be a general revision of the laws regulating fees of office, they have drawn up a bill to be entitled "An Act regulating fees of office," which is herewith presented to the House, and recommended as a substitute for the original bill.

Substitute offered by the committee, read and adopted.

Mr. Mosely moved to amend the bill, by striking out "two dollars" to County Clerks for marriage license, and inserting "twenty-five cents."

Mr. Robertson moved to amend the amendment, by inserting after "twenty-five cents," "and that this part of this Act shall extend to the counties of Bowie and Cass, only:"

Motion lost.

Mr. Miller of H., called for a division of the question.

Question—Shall the words, "two dollars" to County Clerks for marriage license, be stricken out of the bill?

The House decided in the negative.

Mr. Goode moved to amend the bill, by striking out "two dollars" for taking the acknowledgement of married women, &c., and inserting "fifty cents:"

Amendment rejected.

Mr. Miller of H., moved to amend the bill, by striking out "twenty" in the 15th line of the 1st page, and inserting "twenty-five:"

Amendment rejected.

Mr. Miller of H., then offered the following as an amendment to the bill:

Strike out "twenty-five," in the 10th line of the 1st page, and insert "fifteen."

Amendment adopted.

Mr. Keenan moved that the bill be engrossed.

Mr. Stout moved the previous question :

Motion carried.

Question—Shall the bill now under the consideration of the House, be engrossed ?

The yeas and nays were called on the engrossment of the bill, and stood as follows :

Yeas—Messrs. Speaker, Allen, Bogart, Carothers, Crutcher, Dennis, Davis of R., Edwards, Epperson, Hardeman, Keenan, Lott, McNeill, Pease, Perry, Potter, Rayner, Reagan, Runnels, Shannon, Stewart of Gon., Webb, Walling, Winkler, Wheeler and Willie—26.

Nays—Messrs. Bourland, Burroughs, Bryan, Eddy, Fields, Goode, Haynie, Lewis, Miller of C., Miller of H., Millican, Mosely, McCown, Rains, Robertson, Shaw, Stout, Stoddard, Taylor, Truit and White—21.

So the bill was ordered to be engrossed.

Mr. Allen moved to take from the table, a bill to be entitled "An Act for the relief of Seth Marvin :"

Motion carried.

Question—Shall the bill now under the consideration of the House, be finally passed ?

The House decided in the affirmative.

Mr. McNeill in the Chair.

A bill to be entitled "An Act to provide for the collection of the arrearages of taxes, due under the laws of the late Republic of Texas ;" was

On motion of Mr. Epperson,

Taken up.

The amendments to the bill proposed by the committee, were then

Read and adopted.

Mr. Willie moved that the proviso in the 2d section of the bill, be stricken out :

Motion lost.

Mr. Mosely moved to amend the bill, by striking out "July," and inserting "September."

Amendment adopted.

Mr. Willie offered the following amendment, as an additional section to the bill:

"Be it further enacted, That any former Collector of direct taxes under the laws of the Republic of Texas, may be discharged from his official bond by presenting to the Comptroller of Public Accounts a list under oath, and certified to by the County Court of his county, showing what balance is due by him, and paying said balance into the Treasury; and none of said Collectors shall be responsible for taxes due by insolvent or defaulting tax payers."

Amendment adopted.

Question—Shall the bill now under consideration of the House, be engrossed?

The yeas and nays were called on the engrossment of the bill, and stood as follows:

Yeas—Messrs. Speaker, Allen, Bogart, Bryan, Carothers, Crutcher, DeCordova, Dooley, Eddy, Epperson, Fields, Harde-man, Haynie, Keenan, Miller of C., Mosely, McNeill, Pease, Perry, Potter, Reagan, Robertson, Runnels, Shaw, Sterne, Stout, Stoddard, Stewart of Gon., Webb, Winkler, Wheeler and White—32.

Nays—Messrs. Bourland, Burroughs, Edwards, Goode, Lewis, Miller of H., McCown, Rayner, Shannon, Taylor, Truit, Walling and Willie—13.

So the bill was ordered to be engrossed.

Mr. Webb moved to take from the table, and place among the orders of the day, a bill to be entitled "An Act for the relief of Mary W. Chalmers:"

Motion carried.

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills, have examined and found correctly Enrolled, the following bills:

"An Act for the relief of Thomas J. Stell;"

"An Act to validate the election of Mayor and Aldermen for the city of New Braunfels;"

"An Act for the relief of Robt. H. Beale;"

"An Act to make valid the acts of John D. Banton;"

"An Act to authorise the Comptroller of Public Accounts to transfer to S. L. Johnson, an Austin city Lot;"

"An Act to require public county officers to keep their offices at the County Seat;"

"An Act for the relief of Alfred Briggance;" and

"An Act for the relief of Henry M. Smith."

The said bills having been signed by the Speaker of the House of Representatives and the President of the Senate, were this day presented to His Excellency the Governor, for his approval.

Report read and accepted.

On motion of Mr. Hardeman,

The House adjourned until to-morrow morning, 9 o'clock.

House of Representatives,
City of Austin, March 15th, 1848.

The House met pursuant to adjournment.

The Roll was called, and

The following members answered to their names :

Messrs. Speaker, Allen, Bogart, Bourland, Carothers, Crutcher, Dennis, Davis of R., DeCordova, Dooley, Eddy, Edwards, Epperson, Fields, Goode, Hardeman, Haynie, Keenan, Lewis, Lott, Miller of C., Miller of H., Millican, Mosely, McCown, McNeill, Neal, Pease Perry, Rains, Rayner, Railey, Runnels, Saddler, Shaw, Sterne, Stout, Stoddard, Stuart, Taylor, Truit, Webb, Walling and Wheeler.

A quorum being present,

The Journal of the preceding day was read and adopted.

The House then proceeded to business.

Mr. McNeill, chairman of the committee on the Land Office, made the following report :

The committee on the Land Office, to whom was referred a bill to be entitled "An Act to provide for compiling and cor-

recting maps of the several Land Districts of this State," have had the same under consideration, and believing the law very much needed in this State for the completion of maps, have instructed me to report the bill back to the House with an amendment, and respectfully to recommend its passage.

Report and bill received and laid upon the table, to come up in their regular order.

Mr. Carothers, chairman of the committee on County Boundaries, made the following report:

The committee on County Boundaries, to whom was referred the petition of the citizens of Titus, Cass and Upshur counties, relative to a change in their county lines, and, also, a bill defining the same, have had the subject under consideration, and a majority of said committee have instructed me to report the same back to the House, and respectfully to recommend, that any further action thereon, be indefinitely postponed.

Report and bill received and laid upon the table, to come up in their regular order.

The Speaker announced that the first Assistant Clerk of the House, Mr. E. S. C. Robertson, had left for home, in consequence of the sickness of his family.

Mr. Pease moved to grant the Chief Clerk permission to employ an Assistant Clerk:

Motion carried.

Mr. Willie asked leave of absence for Mr. E. S. C. Robertson, first Assistant Clerk of the House of Representatives, during the remainder of the session:

Leave granted.

Mr. Runnels presented the following *Protest* against the rejection of the bill, to be entitled "An Act allowing the Clerks and Sheriffs of the late Republic of Texas, to audit their accounts :"

P R O T E S T,

Of the Hon. H. R. Runnels, against the rejection by the House of Representatives of the bill to be entitled "An Act allowing the Clerks and Sheriffs of the Late Republic, to audit their accounts."

*James W. Henderson, Esq.,
Speaker of the House of Representatives :*

The undersigned avails himself of his privilege, as a member of the House of Representatives, to express and enter upon the Journals, his dissent from the action of the House, in rejecting the bill authorising the auditing of the accounts of Sheriffs and Clerks, against the late Republic of Texas.

A brief review of the action of the House on former occasions, will be necessary to a fair exposition of the merits and facts of the case :

It will be recollected that at an earlier period of the session a bill was passed through the House, and has since become a law, allowing *set-off* in certain cases, which was intended *especially* for the relief of some two or three individuals ; and that an account of *many thousands* was involved. From its special and limited character but few could avail themselves of the benefits of its provisions ; in fact, only those persons for whose *special* relief it was introduced—notwithstanding its seemingly general character.

The undersigned would respectfully submit, that believing *justice* to be a common object in the institution of government, as well as that it is the common right of every individual to expect its fair dispensation, he introduced a bill (for which, that under consideration was a substitute,) allowing a Sheriff of the late Republic, to audit his accounts so that he might avail himself of the provisions of the bill allowing *set-off*. The undersigned thought this but an act of *justice*, inasmuch as he was of the opinion that it was a relief bill. Its provisions should not be *wholly restricted to the privileged few who ask and obtain their thousands, whilst those with claims of less magnitude and equally meritorious, were rejected ; but that all possessed an equal right to justice, and equal claims upon the State in its disposal of favors and bounties.* To this bill, it was objected, that there were many officers throughout the State, both Sher-

iffs and Clerks, who hold similar demands against the Republic, and that the bill was, in itself, *partial*. By the action of the House, it was determined that there should be a general bill, providing for that class of claimants. The bill was referred, and a substitute drawn and reported to the House, in accordance with its previous action, which, it might have been supposed, would have given satisfaction, as it was general, and merely authorized the auditing of the accounts—when properly authenticated—of those who have served the country; who have aided in the administration of justice, both at the expense of their time and money, and whom, it would now seem, need not indulge even the *hope* of the *poorest charity*, as a reward for their services; for thus, no less than equal justice *has been denied them*.

In view of these facts, the undersigned *Protests* against such a course of injustice, for its *partiality* and *unfairness*, and as being derogatory to every well established principle; and to the mind of the undersigned, without a single circumstance to reconcile it with the past.

It has been urged that this measure was unnecessary, inasmuch as there has actually passed the House, a "bill for the liquidation of the Public Debt," that would accomplish the object desired to be attained.

This is improbable, or the undersigned is much mistaken, if it is but considered, the uncertainty of this bill becoming a law,

Thus the startling *injustice* to those who hold claims of this description, acknowledged by all to possess the highest merit, and which, if it were justifiable to make exceptions, would be *especially* entitled to the promptest justice and consideration.—By the rejection of this measure, they have been denied the poor tribute of the slightest regard; and that in the face of the many relief bills passed, and appropriations made from the Treasury for other objects, they are denied the benefits of the *special Legislation*, so freely lavished upon others; and even of coming in, and participating with other creditors, under the provisions of a *nominally* general bill.

It is said that there is an enormous amount of these claims, and *that fact* is spoken of as the *bugbear* by which to terrify those who might be disposed to render justice to them. Now, what if this were the fact? aside from this particular cause. What, (as it is by some supposed,) if these claims should

amount to one hundred thousand dollars? Have they the less merit, or are they the less entitled to consideration on that account? Or, because they are held in small amounts by different individuals—many or most of whom, from their position, may not be able to array an interest in their behalf; such as it might seem, is necessary to their successful prosecution—have they the less merit, or should justice be denied them on that account?

The undersigned would state, lest he be misunderstood, that entertaining as he does—that *Laws should be equal and general*—he has opposed the passage of special and private bills in almost every instance, upon the principle, that Legislating for the relief of *one*, and *refusing another*, alike entitled to consideration, is foreign to the true objects of Legislation, and alike *unjust* as it is *unjustifiable*, and he therefore, *Protests* against it.

The undersigned asked by the adoption of this measure, the payment of no money—he asked no special privilege—all that was sought to be obtained, was that which has been granted to others at the present Session of the Legislature—all that was asked, was *that justice*, which every individual is entitled to under the broad principle of *equal rights*, established by Government itself.

[Signed,]

H. R. RUNNELS.

March 15th, 1848.

Mr. Eddy, chairman of the Select Committee, to whom was referred a "Joint Resolution to Audit the Claims of R. S. Neighbors," made the following report :

The Select Committee, to whom was referred a "Joint Resolution to authorise the Comptroller of the State of Texas, to Audit and pass upon the Claims of R. S. Neighbors, late Quarter-Master and Commissary in the Army of Texas," have had the same under consideration, and have instructed me to report the Joint Resolution back to the House and to recommend its passage.

Report and Joint Resolution received and laid upon the table, to come up in their regular order.

Mr. Millican, chairman of the Select Committee, appointed for the purpose of "examining into the condition of the Adjutant General's Office," made the following report:

Committee Room,
March 13th, 1848.

Hon. James W. Henderson,
Speaker of the House of Representatives:

The Select Committee, raised for the purpose of examining "the condition of the Adjutant General's Office," with instructions "to report as early as practicable," under the Resolution adopted by the House—beg leave to present as the legitimate result of the examination, which your Committee, in view of present circumstances, were enabled to give the subject under consideration, the following report; which, it may be proper to premise, contains no *deduction* or *inference*, but simply a statement of *facts* indicating the condition of said Office, and thereby effecting *entirely* the purpose, for the accomplishment of which, as your Committee conceive, the duty was assigned to them:

The following list of Books are to found in the Office, to wit—

Letter Book (marked) B, containing four hundred (400) pages filled to page 181.

Letter Book (marked) (A,) 470 pages, entirely filled.

" " " (A,) 462 " " "

" " " (B,) 399 written pages.

" " " (C,) 353 " "

" " (paymaster's dep't,) 28 " "

" " (ordnance dep't,) 99 " "

" " (subsistence dep't,) 14 " "

" " one blank ledger.

Ledger (marked) A, containing 59 pages *written*.

Blank Ledger (mutilated) (War Dep't.)

Ledger, 80 pages written, (Subsistence Dep't.)

Ledger No. 1, containing 7 pages written.

" " 34 " "

" of small size, " 94 " "

Day-Book, $\frac{1}{2}$ (mutilated,) partly [written upon.

Journal, (mutilated,) 9 pages written, of *large size*.
 " (Subsistence Dep't.) 31 pages written, of large size.
 " A, (Quarter-master's Dep't.,) " "
 " (Pay-master's Dep't.,) 6 pages written " "
 Invoice-Book, (Subsistence Dep't.,) 37 written pages.
 Log-Book, labelled *private journals*.
 Record-Book, 400 pages
 Register, (Navy Dep't.,) 46 pages written.
 Log-Book, " " of Schooner "Austin."
 Letter-Book, " " badly mutilated.
 Journal of the Army under command of Col. Rodgers.
 Private Log-Book, (marked) Journal.
 Ordnance Book, partly written.
 Journal, labelled *Act Current*, (Navy Dep't.)
 Journal of letters, " "
 Small Ledger, (marked) Day-Book, 51 pages written.
 Day-Book, partly written.
 Record-Book, (Navy Dep't.,) 112 pages written.
 Journal, (Pay-master's Dep't.,) 137 pages written.
 Register, (Navy Dep't.,) partly written.
 Two Day-Books, partly written.
 Special Order Books, *Old Series*, containing 344 pages written,
 and *New Series*, 2 pages written.
 Record of Bounty Lands.
 Register of Muster Rolls, containing 440 pages written.
 Letter Book, (Navy Dept.,) 162 pages written.
 Army Register, (Navy Dept.)
 Invoice Book, (marked) N T.
 Register of Militia Officers, State of Texas.
 Register No. 1, (Pay-master's Dept.)
 Record of Land Warrants, issued by Mr. Poe.
 One Blank Ledger.
 A large Book, (1st Auditor's Office,) containing 2 pages written.
 Letter Book, (A.) Adj't General's Office, 25 pages written.
 Letter Book, (A.) Adj't. General's Office, partly written.
 General-Order Book, (A.) partly written.
 Bounty-Land Book, (A.) " "
 Register of the officers of the Republic of Texas, partly written.
 Register, (Pay-master's Dep't.)

It is necessary to state here, that most of the above-described Books are large and substantially bound.

Two Books containing a record of donations of land.

One Book, (Ordnance Dep't.)

“ “ containing Orders of the Provisional Government, 1836.

“ “ containing letters, (Ordnance Dep't.)

“ “ “ list of administrators.

“ “ “ letters from the “Post” West Manard.

“ “ (Surgeon Gen'l. Dep't.,) 1837-8, full.

“ “ (Ordnance Dep't.,) mutilated.

“ “ (War Dep't.,) memorandum, from 1839 to 1841.

“ “ “ “ diary, from 1842 to 1846.

“ “ report of donation lands, issued from 1838 to 1840.

Journal of the Texian Schooner “Independence.”

One Book, report of bounty lands, from 1838 to '45.

“ “ movements of the Army in 1836-7.

“ “ (Surgeon Gen'l. Office,) correspondence in the year 1838-9.

160 copies of Army Tactics, Republic of Texas.

One Book, (Purser's Dep't.)

“ Day-Book, from 1838 to '40, (Ordnance Dep't.

“ Book, (Militia Orders,) in 1841.

“ “ bound, from 1838 to 41, (Ordnance Dep't.)

“ “ roster of detail, 1836-7.

“ “ list of commissioned officers, 1837.

Log-Book of the Schooner “Brutus,” 1836.

Letter “ (received by the Secretary of War and the Executive in 1836-7.

Index. blank, or nearly so.

One Book, (account of Subsistence Dep't.,) 1840.

Index to the same, blank.

Letter-Book, (Navy Dep't.) mutilated.

“ “ “ blank, marked (Navy Dep't.)

Journal of bounty land certificates from 1837 to 39.

Register of commissions and resignations of Naval officers from 1836 to 1839.

Gen'l. Index containing contents of books, 1 2 3 and 4.

One Book containing list of Soldiers enlisted from 1839 to 1840.

“ small book containing a list of officers of the Texas Army, from 1826 to 1828.

A *Diary*, (mutilated.)

Two Books containing a list of foreign Volunteers, in the years 1835-6.

One Book list of citizen Volunteers in 1835-36.

“ “ containing list a of Soldiers *discharged* and *Offi-resigned* from 1836 to 1838.

Roll Book, from 1836 to '38, (War Dep't.)

Register of bounty lands.

A small book containing the opinions of the Attorney Gen'l. in 1838 and 39.

A book containing information respecting the Navy while under the command of E. W. Moore.

One Book containing a list of land certificates issued by Mr. Poe, from No. 1. to No. 1699.

“ “ muster-rolls of Militia Volunteers and Rangers, from 1836 to '40.

“ “ articles of clothing furnished Militia Volunteers and Rangers.

“ “ (Subsistence Dep't.) mutilated.

A small book containing the report of the late Adj't. General. Wm. G. Cook.

A book containing original bounty claims.

Journal of accounts from 1838 to '40.

A book containing orders, (Ordnance Dep't.,) from 1838 to '41.

Almost all of the last mentioned books are of small size and not well bound.

There will also be found in the Office, the following, to wit :

Eleven packages of donation vouchers, from Nos. 1, to 1244.

Eighty packages bounty-land vouchers from Nos. 1, to 10111 issued during the existence of the Republic of Texas.

Four packages bounty-land vouchers, from Nos. 1 to 350, issued by the Adj't. Gen. of the State of Texas.

Eleven packages of pay warrants, from Nos. 1 to 2000.

Thirteen packages containing about two hundred *miscellaneous* papers, from 1836 to 1841.

Seven packages containing muster-rolls, lettered from A to W.

One package of muster-rolls of Spy Companies, from 1840 to 46.

Five packages muster-rolls of the Regular Infantry.

Packages from A to S, containing muster-rolls of Cavalry.

Packages from A to W, containing *descriptive* rolls of Regulars and Volunteers.

Packages from A to Z, containing muster-rolls of the Artillery.

Packages containing muster-rolls of Texian Troops who went to Mexico from 1836 to 1848.

Fifteen packages of *miscellaneous* muster-rolls.

137 packages containing *miscellaneous* papers, filed in reference to War and Marine Dep'ts.

300 or 400 packages of buttons.

Five large packages of wafers, and about sixteen reams of paper.

Your committee in conclusion, would remark that there are many papers of importance in the office, *unrecorded*, which, it is recommended, should be carefully recorded—leaving to the Adjutant General full exercise of his *discretion* in determining what papers should be *first* recorded.

All of which is respectfully submitted to the House for its consideration.

[Signed,]

E. W. MILLICAN, Chairman,
JAMES L. ALLEN,
Z. WMS. EDDY,
WM. H. BOURLAND,
GUY M. BRYAN.

Report received.

—

Mr. Sterne moved to suspend the rule, as to the order of bills which have been laid upon the table one day for consideration, and that the "Joint Resolution for the relief of R. S. Neighbors," be taken up:

Motion lost.

Mr. DeCordova introduced a bill to be entitled "An Act to allow donation warrants to be located in two places:"

Bill read a first time.

Mr. Fields moved that the rule of the House, which requires bills to be read on three several days, be suspended.

Motion lost.

Mr. Reagan introduced a bill to be entitled "An act to divide the Nacogdoches Representation District."

Bill read a first time.

On motion,

The House then proceeded to the orders of the day.

A bill to be entitled "An act to establish the method of trying the right of property levied upon under writs of Execution, Sequestration and Attachment, where the same is claimed by a person who is not a party to such writ," together with the amendments of the Senate, were taken up.

Amendments read and concurred in.

A "Joint resolution authorizing the Comptroller of Public Accounts to issue warrants paying A. B. Grey, for services, in running and marking the Eastern Boundary Line of Texas," together with the amendment proposed by the Senate, were taken up.

Amendment read and concurred in.

A bill to be entitled "An act to provide for the exchange of Books, Maps and Charts," together with the amendments proposed by the Senate, were taken up.

Amendments read and concurred in.

Mr. Stout moved that a call of the House be made.

Motion lost.

The resolution prohibiting the introduction of new business into the House of Representatives after 10 o'clock on Wednesday, the 15th inst., was taken up,

Read and rejected.

A bill to be entitled "An act to define the times of holding the District Courts in the Fifth, Sixth and Eighth Judicial Districts," was taken up.

On motion of Mr. Mosely,

The bill was read a third time and passed.

On motion of Mr. Miller, of Houston,

A bill to be entitled "An act, supplementary to an act, to establish the Judicial Districts of the District Courts," was taken up, and substituted for the original bill.

On motion,

The rule of the House which requires bills to be read on three several days, was suspended.

The bill was then read a second time.

Mr. Bogart offered the following as an amendment to the bill :

“And that this act take effect from and after the first Monday in January, 1850.”

Amendment rejected.

Question—Shall the bill now under consideration of the House, be engrossed ?

The House decided in the affirmative.

On motion,

The rule was further suspended, and the bill was read a third time and passed.

The “Joint resolution in relation to the *Proviso, Slavery, the Tariff, and the War against Mexico,*” was taken up.

On motion of Mr. Potter.

The Joint resolution was read a third time by its caption, and passed.

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report :

The committee on Engrossed Bills, have examined a bill to be entitled “An act regulating fees of office,” and find the same correctly engrossed.

Report read and accepted.

A bill to be entitled “An act to locate permanently the seat of justice of Calhoun county,” was taken up.

Read a third time and passed.

A bill to be entitled “An act, to amend the eleventh section of an act, supplementary to an act, to detect fraudulent land certificates, and to provide for issuing Patents to legal claimants,” was taken up,

Read a third time and passed.

A bill to be entitled “An act concerning proceedings in the District Courts,” was taken up.

On motion of Mr. Mosely,

The bill was read a third time by its caption, and passed.

A bill to be entitled “An act to create the county of Van Zandt,” was taken up.

On motion,

The bill was read a third time by its caption, and passed.

A bill to be entitled “An act prescribing the punishment for cutting down and carrying away, or destroying trees or timber, upon any lands without the consent of the owner,” togeth-

er with the amendment made thereto by the Senate, were taken up.

Amendment read and rejected.

A bill to be entitled "An act to raise a revenue by taxation," together with the amendments proposed by the Senate, were taken up.

Amendments read and concurred in.

A bill to be entitled "An act to incorporate the the Town of San Augustine," together with the amendments proposed by the Senate, were taken up.

Amendments read and concurred in.

A bill to be entitled "An act for the regulation of Pilots, at the mouth of the Brazos river," together with the amendment proposed by the Senate, were taken up.

Amendment read and concurred in.

Mr. Robertson, chairman of the committee on Internal Improvements, made the following report:

The committee on Internal improvements, to whom was referred a bill to be entitled "An act authorizing Wm. H. Varnell, to establish Ferries across Big Bayou and McHenry's Bayou, in Calhoun county," have had the same under consideration, and a majority of said committee have instructed me to report the bill back to the House, and to recommend its favorable consideration.

Report and bill received, and laid upon the table, to come up in their regular order.

A bill, from the Senate, to be entitled "An act to authorize the Secretary of State to charge *fees* in certain cases," was taken up, and

Read a first time.

A bill, from the Senate, to be entitled "An act, supplementary to an act, to regulate the Public Printing," was taken up, and read a first time.

Mr. Keenan moved that the rule of the House which requires bills to be read on three several days, be suspended.

Motion carried.

The bill was then read a second time, and

On motion,

Passed to a third reading.

On motion of Mr. McNeill,

The rule was further suspended, and

The bill was read a third time and passed.

A message was received from the Senate, informing the House of the passage, by that body, of a bill which originated in the House of Representatives, to be entitled "An act to establish the county seat of the county of Cameron," with the following amendments:

First. Strike out "Point Isabel," and insert "Freeport."

Second. Strike out the "Bay of Brazos del St. Iago," and insert "On the Rio Grande."

Amendments read and rejected.

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills have examined, and found correctly engrossed, the following bills—

A bill to be entitled "An act to authorize and require the Governor to employ counsel, to represent the State in suits and actions wherein the State may be interested, that may be taken to the Supreme Court of the United States;"

A bill to be entitled "An act to incorporate the Goliad Statistical Society;"

A bill to be entitled an act granting to the Baylor University two leagues of land;"

A bill to be entitled "An act to incorporate the Galveston Manufacturing Company;" and

A bill to be entitled "An act for the relief of Alexander Wright."

Report read and accepted.

A bill, from the Senate, to be entitled "An act to prescribe the time of holding the Courts in the Second Judicial District of the State of Texas," was taken up, and

Read a first time.

On motion,

The rule of the House which requires bills to be read on three several days, was suspended.

The bill was then read a second time by its caption, and passed to a third reading.

On motion,

The rule was further suspended, and the bill was read a third time and passed.

A bill, from the Senate, to be entitled "An act, to repeal the eleventh section of an act, supplementary to an act, to detect fraudulent land certificates, and to provide for issuing Patents

to legal claimants, approved February the 4th, 1841," was taken up, and

Read a first time.

The substitute for a bill to be entitled "An act to prescribe the manner of legitimating illegitimate children," was taken up,

Read and adopted.

Mr. Mosely moved that the bill be engrossed.

Mr. Potter offered the following as an amendment to the bill:

Provided, That the provisions of this section shall not prevent any person from willing property as heretofore."

Amendment read and adopted.

Question—Shall the bill now under consideration of the House, be engrossed?

The House decided in the affirmative, and the bill was ordered to be engrossed.

A bill to be entitled "An act to provide for removing the Supreme Court, to the town of Huntsville," was taken up.

Mr. Reagan moved that the bill be made the special order of the day for to-morrow.

Mr. Mosely moved that the House adjourn until 3 o'clock, P. M.

Motion lost.

Mr. Goode moved to amend the bill by striking out "Huntsville," and inserting "Marshall and Goliad."

Amendment rejected.

The sense of the House was then taken on Mr. Reagan's motion, and the

Motion lost.

On motion of Mr. Bourland,

The House then adjourned until 3 o'clock, p. m.

3 o'clock, p. m.

The House met pursuant to adjournment.

The roll was called;

And a quorum found present.

The House then proceeded to business.

The bill (pending on the adjournment of the House,) to be entitled "an act to provide for removing the Supreme Court to the town of Huntsville,"

Was again taken up.

A message was received from the Senate informing the House of the passage, by that body, of the following bills:

Substitute for a bill to be entitled "an act creating the county of Cooke, in honor of Col. Wm. G. Cooke."

A bill to be entitled "an act to provide for permanently fixing the seat of justice of the county of Dallas," with an amendment.

A bill to be entitled "an act to authorize and require the Judges of the District Courts to hold special sessions thereof, for the trial of persons charged with the commission of crimes, the punishment of which is death."

And of the passage of the following bills, &c., which originated in the House of Representatives:

A bill to be entitled "an act to repeal the fourth section of an act requiring the Commissioner of the General Land Office to issue patents upon unconditional headright certificates for land; approved May the 12th, 1846."

A bill to be entitled "an act appropriating certain fines and forfeitures;"

With an amendment.

A "Joint resolution for the relief of the heirs of Mark Noble, deceased.

A "Joint Resolution instructing our Senators and requesting our Representatives in the Congress of the United States to use their efforts to have a law passed to extend the jurisdiction of Texas over one half of the waters of Sabine Pass, Lake and river," and

A substitute for the bill to be entitled "an act to fix the times of holding the District Courts in the 9th Judicial District."

—

Mr. Burroughs Chairman of the committee on Enrolled Bills made the following report:

The committee on enrolled bills have examined and find correctly enrolled the following bills, &c.

"An act to incorporate the town of Goliad;"

"An act changing the name of the county seat of Collin county;"

"An act to restore lands sold for taxes and bid in by the State, to their former owners," and

A "Joint Resolution authorizing and requiring the Comptroller of Public Accounts to issue warrants paying A. B. Gray for services in running and marking the eastern boundary line of Texas."

The said bills and Joint Resolution having been signed by the Speaker of the House of Representatives and the President of the Senate, were this day presented to his Excellency the Governor for his approval.

Report read and accepted.

Mr. Bryan, Chairman of the committee on engrossed bills, made the following report:

The committee on engrossed bills have examined and found correctly engrossed the following bill:

A bill to be entitled "an act to provide for the collection of arrearages of Taxes due on property assessed under the laws of the late Republic of Texas.

Report read and accepted.

Mr. Mosely introduced a bill to be entitled "an act to define the times and places for holding the Supreme Court of the State of Texas;" which was offered as a substitute for the bill then under consideration of the House.

Mr. Mosely moved that the bill and substitute, be made the special order of the day for Friday next.

Mr. Miller of Houston moved that a call of the House be made.

Motion carried.

The Clerk then proceeded to call the roll, and a quorum was found present.

Mr. Mosely moved that the call of the House be suspended.

Mr. McCown moved that the Sergeant-at-Arms be dispatched for the absent members.

Mr. Fields in the Chair.

Mr. Goode moved that the call of the House be suspended.
Motion lost.

On motion of Mr. Henderson,

The call was suspended.

Mr. Webb moved that a call of the House be made.

Motion carried.

Mr. Crutcher moved that Mr. Saddler be excused from answering to the call of his name.

Mr. Willie moved that the call be suspended.

Motion carried.

Mr. Miller of Houston moved that a committee be appointed to receive the votes of members who were absent on account of sickness.

Motion carried.

The chair then appointed,

Messrs. Miller of Houston, and Rayner to receive the votes of Messrs. Saddler and Irion; and Messrs. Winkler and Mosely to receive the vote of Mr. Wren.

Mr. McCown moved that a committee be appointed to wait upon Messrs. Railey and Eddy.

Mr. Taylor moved that the House adjourn until to-morrow morning, 9 o'clock.

Motion lost.

Mr. Robertson moved that all the committees be excused from waiting upon absent members.

Motion carried.

Mr. Stout moved that the bill and substitute be indefinitely postponed.

Motion lost.

The sense of the House was then taken in relation to Mr. Mosely's motion to make the bill and substitute the special order of the day for Friday next, and the

Motion carried.

Mr. McCown moved that the House adjourn until to-morrow morning 9 o'clock.

Motion lost.

Mr. Sterne moved that the vote of the House just taken on Mr. Mosely's motion be reconsidered.

The yeas and nays were called on the reconsideration of the vote and stood as follows :

Yeas—Messrs. Speaker, Burroughs, Carothers, Davis of L., Davis of R., DeCordova, Edwards, Fields, Keenan, Lott, Miller of C., Miller of H., McCown, McNeill, Neal, Potter, Rayner, Reagan, Sterne, Stewart of Gon., Winkler, Wheeler and Willie—23.

Nays—Messrs. Allen, Armstrong, Bogart, Bourland, Bryan, Crutcher, Dennis, Dooley, Epperson, Goode, Hardeman, Haynie, Lewis, Lyons, Millican, Mosely, Pease, Perry, Rains, Robertson, Runnels, Shannon, Shaw, Stout, Stoddard, Taylor, Truit, Webb, Walling and White.—30.

So the House refused to reconsider the vote.

Mr. Davis of Liberty moved that the House adjourn until Monday morning next.

Motion lost.

Mr. Crutcher moved to take from the table, a motion to reconsider the vote refusing to pass to a third reading, a bill to be entitled "an act to incorporate the Colorado Navigation Company."

Motion lost.

On motion of Mr. Sterne,

The House adjourned until to-morrow morning 9 o'clock.

House of Representatives,
City of Austin, March 16th, 1848.

The House met pursuant to adjournment.

The roll was called,

And the following members answered to their names :

Messrs. Speaker, Allen, Bogart, Crutcher, Davis, of L., Davis of R., Dooley, Eddy, Edwards, Epperson, Fields, Goode, Hardeman, Haynie, Keenan, Lott, Lyons, Miller of C., Miller of H., Millican, Mosely, McCown, McNeill, Perry, Rains, Rayner, Robertson, Railey, Runnels, Saddler, Shannon, Shaw

Sterne, Stout, Stoddard, Stewart, Taylor, Truit, Webb, Walling, Wheeler, White and Willie.

A quorum being present,

The Journal of the preceding day was read and adopted.

Mr. Fields, Chairmen of the committee on Finance, made the following report.

The Finance committee to whom was referred the petition of Henry Gibson asking pay for a certain negro slave executed by the Sheriff of Matagorda county to meet the reasonable demands of justice for a violation of the laws of the land, have had the same under consideration and the committee have unanimously instructed me to report that they know of no law by the provisions of which the petitioner has any right to receive pay from the State for his said slave, and as they are unwilling to establish a precedent by allowing pay in this instance, and unwilling to recommend the passage of any law on the subject, they recommend that the petition be laid upon the table.

Which report was received to come up in its regular order.

Mr. Allen, chairman of the committee on State Affairs made the following report :

The committee on State Affairs to whom was referred a bill to be entitled an act to prevent free persons of color from emigrating to, or settling in this State, have instructed me to report the same back to the House, and ask to be discharged from its further consideration.

Report received, to come up among the orders of the day.

Mr. Allen, chairman of the committee on State Affairs, reported :

The committee on State Affairs, to whom was referred the petition of James Cocke, of Houston county, praying that the

Legislature confirm the manumission of a mulatto boy named Thomas Jefferson, have instructed me to report the same back to the House, and to recommend that it be laid upon the table.

Which report was received, to come up in its regular order.

A message was received from the Senate, informing the House that they had passed the following bills:

An act to amend an act supplementary to an act to detect fraudulent land certificates, passed at the 5th Congress of the Republic of Texas.

A bill to be entitled an act to give each separate county in this State its own County Surveyor, map and records, with amendments:

An act to provide for deductions from the salaries of Judges of the Supreme and District Courts and District Attorneys of this State who may neglect the performance of certain duties assigned them by law, with amendments:

A bill to be entitled an act to incorporate the Colorado and Brazos Rail Road Company:

An act to prevent burning the woods and prairies:

An act to incorporate Cherokee Academy, in the town of Rusk, in the county of Cherokee.

Mr. Allen, chairman of the committee on State Affairs, made the following report:

The committee on State Affairs, to whom was referred a bill to be entitled an act to authorize Robert H. Porter to construct a turnpike road and establish a ferry on the Trinity River, at Porter's Bluff, with the report of the committee on Internal Improvements thereon, have had the same under consideration, and dissenting from the opinion of that committee relative to the constitutional objections to the bill, have instructed me to report it back to the House, and recommend it to the favorable consideration of the House.

Report and bill received, to come up in their regular order.

Mr. Allen moved to take up the orders of the day.
Carried:

An act appropriating certain fines and forfeitures; with amendments from the Senate:

Read and concurred in.

A substitute from the Senate for a bill originating in the House, to be entitled An Act creating the county of Cooke.

Read, and substitute adopted.

An Act to provide for permanently fixing the seat of justice of the county of Dallas.

Amendment of the Senate, read and rejected.

The Speaker appointed Messrs. Lott, Davis of R. and Winkle a committee of conference on the part of the House.

Mr. McNeill, chairman of the committee on the Land Office, by leave of the House made the following report:

The committee on the Land Office, to whom was referred a joint resolution authorizing the Commissioner of the General Land Office to purchase Lot No. 2, in Block No. 97, in the City of Austin, have had the same under consideration, and have instructed me to report a substitute for said bill, and respectfully recommend its passage. All of which is respectfully submitted.

Report and substitute received, to come up in their regular order.

—

A bill to incorporate the Goliad Statistical Society.

On motion of Mr. Neal,

Read by its caption a third time, and passed by the following vote:

Yeas—Messrs. Speaker, Allen, Armstrong, Bourland, Burroughs, Bryan, Crutcher, Dennis, Davis of L., Davis of R., DeCordova, Edwards, Epperson, Goode, Hardeman, Haynie, Lott, Lyons, Miller of H., Mosely, McCown, McNeill, Neal, Perry, Potter, Rayner, Reagan, Saddler, Shaw, Stoddard, Stuart, Truit, Webb, Winkler, White and Willie—36.

Nays—Messrs. Bogart, Eddy, Fields, Miller of C., Pease, Railey, Runnels, Stout, Taylor, Walling and Wheeler—11.

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined and find correctly enrolled,

An act to incorporate the Western Texas Orphan Assylum :

An act to incorporate the Huntsville Male Institute :

An act to incorporate the Republican Academy :

And having been signed by the Speaker of the House of Representatives and President of the Senate, were this day presented to His Excellency the Governor for his approval.

Which report was accepted.

A bill to be entitled an act to incorporate the Galveston Manufacturing Company.

Read a third time, and passed by the following vote :

Yeas—Messrs. Speaker, Allen, Armstrong, Bourland, Burroughs, Bryan, Carothers, Crutcher, Davis of Liberty, Davis of Robertson, DeCordova, Edwards, Goode, Hardeman, Haynie, Miller of Houston, Mosely, McCown, McNeill, Neal, Perry, Potter, Rayner, Reagan, Stoddard, Stuart, Truit, Webb, Winkler, Wheeler, White and Willie—32..

Nays—Messrs. Bogart, Dennis, Eddy, Fields, Miller of Colorado, Millican, Pease, Rains, Railey, Runnels, Saddler, Shaw, Stout, Taylor and Walling—15.

A bill to be entitled an act to establish the county seat of the county of Cameron.

The Senate insist upon their amendment.

The House refused to recede.

Whereupon the Speaker appointed Messrs. Neal, Potter and Willie a committee of conference on the part of the House, to act conjointly with a like committee on the part of the Senate.

A bill to be entitled an act to authorize and require the Governor to employ counsel to represent the State in suits and actions wherein the State may be interested, that may be taken to the Supreme Court of the United States.

Read a third time and passed by the following vote :

Yeas—Messrs. Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Carothers, Davis of R., DeCordova, Dooley, Eddy, Edwards, Epperson, Goode, Hardeman, Keenan, Lott,

Miller of C., Miller of H., Millican, Mosely, McNeill, Pease, Potter, Reagan, Runnels, Saddler, Stout, Stewart and Taylor—30.

Nays—Messrs. Speaker. Crutcher, Davis of L., Dennis, Fields, Haynie, Lyons, McCown, Neal, Perry, Rains, Rayner, Robertson, Railey, Shaw, Stoddard, Truit, Webb, Walling, Winkler, Wheeler, White and Willic—23.

Mr. Pease, chairman of the committee on the Judiciary, by leave reported:

That the committee on the Judiciary, to which was referred a bill from the Senate to be entitled An act to require the Commissioner of the General Land Office to charge fees for business done in his office, where the State is not concerned, and also a report of a select committee thereon; have examined the same, and have drawn up a bill to be entitled An act regulating fees to be charged by the Secretary of State, Commissioner of the General Land Office, Comptroller of Public Accounts, Treasurer and Adjutant General; which they recommend to the House as a substitute for the Senate's bill.

On motion of Mr. Webb;

The bill just reported was taken up, and substitute offered by the committee read and adopted.

Mr. Eddy moved to strike out 30 cents, and insert 40 cents, for transcribing.

Rejected.

On motion of Mr. Robertson,

Bill passed to a third reading.

Rule suspended:

Read a third time and passed.

A bill to be entitled An act for the relief of Alexander Wright, Read.

Mr. Armstrong moved to lay the bill under consideration on the table.

Carried.

Messrs. Webb and Potter were appointed a committee to inform the Hon. Senate that the House was ready to receive them in joint session, for the purpose of electing a District Attorney for the 11th Judicial District.

Committee returned and reported duty performed.

His Ex. the Lieutenant Governor and the Hon. Senate were announced at the bar of the House.

The Lieut. Governor was invited to a seat on the right of the Speaker, and the Hon. Senators to seats prepared for them.

Roll called, a quorum present.

The Speaker announced that nominations for District Attorney for the 11th Judicial District were in order.

Mr. Haynie nominated Mr. J. W. Webb.

Mr. Dooley nominated Mr. B. E. Edwards.

On a call of the Roll by the Chief Clerk, Mr. Webb received the following votes:

Messrs. Speaker, Allen, Bourland, Burroughs, Bryan, Carothers, Crutcher, Dennis, Davis of L., Davis of R., Eddy, Edwards, Epperson, Goode, Hardeman, Haynie, Keenan, Lott, Lyons, Miller of C., Miller of H., Millican, Mosely, McCown, Neal, Pease, Perry, Potter, Rains, Rayner, Reagan, Robertson, Saddler, Shaw, Stout, Stuart, Taylor, Truit, Webb, Walling, Winkler, Wheeler, White and Willie—45.

Mr. Edwards received the following votes:

Messrs. Dooley, Fields, and McNeill—3.

Mr. Jas. K. Polk received one vote—Mr. Bogart.

Mr. Railey voted for Mr. Bogart.

Mr. Stoddard voted for M. Railey.

Mr. Webb received on joint vote of both Houses 58 votes.

Mr. Edwards received 6 votes.

Mr. Webb having received a majority of all the votes given, was declared by the Speaker to be duly and constitutionally elected District Attorney for the 11th Judicial District of the State of Texas, for the term of two years.

A bill to be entitled An act granting to the "Baylor University" two leagues of land.

Read.

Question on the engrossment taken, and lost by the following vote:

Yeas—Messrs. Allen, Crutcher, DeCordova, Dooley, Fields, Haynie, Lyons, Reagan, Robertson, Railey, Stoddard, Winkler and Willie—13.

Nays—Messrs. Speaker, Bogart, Bourland, Burroughs, Bryan, Carothers, Davis of L., Davis of R., Dennis, Eddy, Edwards, Epperson, Goode, Hardeman, Keenan, Miller of C., Miller

of H. Millican,^a Mosely, McCown, McNeill, Pease, Perry, Rains, Rayner, Runnels, Saddler, Shaw, Stout, Taylor, Truit, Walling and White—34.

Mr. Fields in the chair.

A bill to be entitled an act regulating fees of office.

Mr. Carothers moved that the bill be read by its caption.

Lost.

Bill read a third time.

Mr. Mosely moved to suspend the rule prohibiting amendments on the third reading.

Carried.

Mr. Taylor moved to adjourn to 3 o'clock, p. m.

Lost.

Mr. Bourland moved to read the bill by sections.

Lost.

On motion of Mr. Bourland,

The House adjourned to 3 o'clock, P. M.

3 o'clock, P. M.

The House met.

Roll called—a quorum present.

A message was received from the Senate, informing the House that the Senate had concurred in the amendments of the House to the joint resolution on the "Proviso, Slavery, the Tariff, and the War against Mexico:"

A bill to be entitled An Act to secure to the colonists of Fisher & Miller's Colony, the lands to which they may be entitled; with an amendment from the Senate:

A bill to be entitled An Act for the benefit of persons who settled in the colony of W. Peters and his associates:

A bill to be entitled An Act to create the county of Van Zandt:

A bill originating in the House of Representatives to be entitled An Act to provide for the assessment and collection of taxes: and

A Joint Resolution originating in the House of Representa-

tives, for the relief of Theodore D. Maltby, who was disabled for life in the service of the country; with an amendment:

And that the Senate insist upon their amendment to a bill prescribing the punishment for cutting down, carrying away or destroying timber upon any lands, without the consent of the owner: and have appointed Messrs. Gage, Jewett and Dancy a committee of conference on the part of the Senate, and request that a like committee be raised on the part of the House.

Whereupon the Speaker appointed Messrs. Hardeman, Bryan and Davis of L. said committee.

Also, that the Senate had passed a bill originating in the House of Representatives, entitled An Act to regulate the descent and distribution of intestates' estates; with amendments.

The bill was then taken up, and the House concurred in the Senate's amendments to the fourth section.

Also, the second amendment to the tenth section.

Also, the amendment to the eleventh section.

And the House refused to concur in the amendment to the caption.

The House also refused to concur in the first and third amendments to the tenth section.

Also, refuse to concur in the amendment to the twelfth section.

Mr. Miller, of Houston, moved to refer the bill regulating fees of office to a Select Committee, with instructions to report in half an hour.

Carried.

Whereupon the Speaker appointed Messrs. Miller, of H. Pease, McNeill and Eddy said committee.

Mr. Allen introduced a joint resolution authorizing the Adjutant General to employ a Clerk.

Read a first time.

A bill to provide for the collection of arrearages of taxes, and on property assessed under the laws of the late Republic of Texas.

Read a third time and passed.

Substitute from the Senate, for a bill to be entitled "An act to fix the times of holding the District Courts in the Ninth Judicial district.

Read and adopted.

Mr. Bogart moved to lay the bill on the table.

Lost.

A bill to be entitled an act to authorize and require the Judges of the District Courts to hold Special Sessions thereof for the trial of persons charged with the commission of crimes, the punishment of which is death.

Mr. Bryan, chairman of the committee on Engrossed Bills, reported that the committee on Engrossed Bill have examined a bill to be entitled an act prescribing the manner of adopting children, and find the same correctly engrossed.

Mr. Rayner moved a suspension of the rule.

Carried.

The bill under consideration to be entitled an act to authorize Judges of the District Courts to hold Special Sessions, was read by its caption a second time.

On motion of Mr. Webb,

The rule was further suspended.

Bill read a third time and passed.

A bill to be entitled an act to authorize the Secretary of State to charge fees in certain cases.

Mr. Mosely moved to lay the bill on the table.

Lost.

The bill was read a second time.

Mr. Fields moved to lay the bill on the table.

Carried.

The report of the committee on Counties and County Boundaries, on the petition of the citizens of Titus, Cass and Upshur counties, was read and adopted.

A joint resolution to authorize the Comptroller of Public Accounts of the State of Texas, to settle with Major R. S. Neighbors.

On motion of Mr. Haynie,

Ordered to be engrossed.

Mr. Armstrong moved to take from the table, a bill to be entitled an act, to repeal the eleventh section of an act, supplementary to an act, to detect fraudulent land certificates, and to provide for issuing patents to legal claimants, approved February 4th, 1841.

Carried,

And bill read a second time.

Mr. Lewis moved that the bill be passed to a third reading

Carried.

Messrs. Robertson, Millican, Rains, Shaw, Neal, Weeeler,

Willie, Perry, Burroughs and Crutcher, offered the following Protest:

Austin, March 16th, 1848.

The undersigned in availing themselves of their constitutional privilege, respectfully ask leave to enter their solemn protest against the passage of a bill through this House, on the 11th instant, Apportioning the Senators and Representatives among the several counties of this State—

First. Because the bill proposes and makes an increase of members in both branches of the Legislature, which increase in the opinion of the undersigned, will be injurious to the State at large, by increasing the expense of our State Government, and thereby operating most injuriously on our prosperity, as we are thrown on the revenue derived from direct taxation alone for the support of our State Government, we consider it our imperative duty to protest against this additional expense. In the opinion of the undersigned, the number of Representatives is by far too great compared with the whole number of our population. The entire number, after making full allowance from the three counties whose census have not been returned, does not exceed one hundred and five thousand. The whole number of Senators and Representatives is according to the bill above alluded to—ninety-four. Now against this large number of Representatives the undersigned do solemnly protest.

Second. The undersigned protest against the passage of the bill, because, in their opinion, it violates two articles of the Constitution. The twenty-ninth section of the Constitution, under the head of Legislative Department, concludes in the following words: "And the whole number of Representatives shall, at the several periods making such enumeration, be fixed by the Legislature, and apportioned among the several counties, cities or towns according to the number of free population in each." In the opinion of the undersigned this article is clear and positive, and requires the apportionment to be made equal according to the population of each county, city or town. The undersigned here give one or two examples, to show that this article of the Constitution is violated by the bill, to wit: the county of Fort Bend, with a population of eight hundred and fifty-two, has one representative, while the county of Cass, with a population of two thousand and five,

has only one Representative. Again: the county of Nacogdoches, with a population of twenty-nine hundred and seventeen, has two Representatives, while the county of Bexar, with a population of forty-five hundred and sixty-six, has two Representatives only. The undersigned do not name those counties for any other purpose than to show that in their opinion the article of the Constitution above recited, requiring an equal apportionment according to free white population, has not been complied with.

They also protest against the passage of the above bill, because, in their opinion, it violates another article in the Constitution. They allude to the twenty-second section of the General Provisions, which section concludes in the following words: "Every new county, as to the right of suffrage and representation, shall be considered a part of the county or counties from which it was taken, until entitled by numbers to the right of separate representation"

The bill as passed by the House, pays no regard to the rights of old counties in this particular: but allows the new counties to have, and be represented, without regard to the rights of the county or counties from which they were taken. For these reasons, with others, that the undersigned consider it unnecessary to name, they ask, in the names of themselves and the people they represent, that this *Protest* be spread upon the Journals of the House.

The undersigned further protest against the course of the House of Representatives on the 11th instant, during the time the Apportionment Bill was under consideration, viz.: refusing to appoint a committee to wait on and take the votes of members of this House who were confined to their rooms by sickness. The undersigned believe that the custom of appointing committees, to take the votes of members, when from sickness they are unable to be in their seats, is not only sanctioned by the practice of all legislative bodies, but is sanctioned by the principles of true republicanism. To refuse to any portion of the State, or any number of its citizens their vote, through their Representative, when, from the dispensation of Providence he is unable to appear in his place in the House to give that

vote, is, in the opinion of the undersigned, an example fraught with dangerous consequences to the State.

[Signed]

O. M. WHEELER,
JAMES WILLIE,
WM. B. PERRY,
JAMES M. BURROUGHS,
W. H. CRUTCHER,
M. M. POTTER,
WM. G. WEBB,
THOMAS M. DENNIS,
J. B. ROBERTSON,
EMERY RAINS,
E. M. MILLICAN,
JAMES SHAW,
BEN. F. NEAL,
JNO. F. MILLER,
JESSE WALLING,
THOS. J. HARDEMAN.

A bill to be entitled an act to provide for compiling and correcting maps of the several Land Districts of this State.

Read.

Mr. Reagan offered the following amendment, which was adopted:

"That no county be allowed to draw, under the provisions of this act, more than three hundred dollars."

Mr. Robertson offered a further amendment, which was adopted:

"That this act shall take effect after the first day of August, 1850; and

On motion,

The bill was laid on the table.

A bill to be entitled an act for the relief of Mary W. Chalmers.

On motion of Mr. Lewis,

The last section was stricken out.

Mr. Lewis moved to strike out all after the word "Audited," and insert "And the Comptroller is hereby required to draw a draft on the Treasurer, in favor of Mary W. Chalmers, for the said sum of ninety-one dollars, which draft shall be payable out of any money in the Treasury not otherwise appropriated.

Rejected.

On motion of Mr. Webb,

The bill and amendments were laid on the table.

A bill to be entitled an act to divide the Nacogdoches Representative District, was read and,

On motion of Mr. Reagan,

Laid on the table for the present.

A bill to be entitled an act to allow Donation Warrants to be located in two places, was read.

Mr. DeCordova moved its engrossment.

Lost.

A bill to be entitled an act authorizing Wm. M. Varnell to establish Ferries across Big Bayou, and McHenry's Bayou, in Calhoun county, was read.

Mr. Robertson offered the following amendment :

Strike out "During which time no other person shall have the privilege of establishing a Ferry across said Bayous."

Adopted, and bill ordered to be engrossed.

A message was received from the Senate, informing the House that the Senate had receded from their first and third amendments to the tenth section of the bill to be entitled an act to regulate the descent and distribution of intestates estates. Also, that they had receded from their amendment to the twelfth section; and also from their amendment to the caption.

Mr. Mosely offered the following resolution :

Resolved, that the Judiciary committee be, and they are hereby, instructed to report the Senate's bill providing for the division of the Supreme Court, on to-morrow morning.

Rejected.

Mr. Robertson moved a re-consideration of the vote taken on the bill allowing Donation Warrants to be located in two places.

On motion of Mr. Millican,

The motion to re-consider was laid on the table.

Mr. Miller, of Houston, chairman of a Select Committee, made the following report :

Your committee, to whom was referred a bill to be entitled an act regulating fees of office, have had the same under consideration, and have instructed me to report the same back, with the accompanying amendments, and recommend its passage.

Which report was received, and amendments adopted.

In fourth section, in tenth, eleventh, and twelfth lines, strike out the words "For every examination of papers or records in his office, at the request of any person wishing to examine them, twenty-five cents."

In fifth section strike out the eleventh and twelfth lines from the end of the section.

In sixth section strike out the sixteenth and seventeenth lines from the end of the section

In sixth section, fourteenth line from the end, strike out the words "two dollars," and insert "one dollar."

In sixth section, twelfth line from the end, strike out the words "one dollar and insert "fifty cents."

In seventh section, fourth line, strike out "two dollars," and insert "one dollar."

In seventh section, sixth line, strike out "one dollar and insert "fifty cents."

In seventh section strike out the fifteenth, sixteenth and seventeenth lines.

In tenth section strike out sixth and seventh lines from the end of the section.

In twelfth section, twelfth line, strike out the words "two dollars," and insert the words "one dollar and fifty cents."

In thirteenth section, in second line, after the word "inspection" insert the words "and recording."

In the thirteenth section, second and third lines strike out the words "for one-league and one labor of land" and insert the words "for any tract of land over one-third of a league."

In thirteenth section strike out sixth and seventh lines.

In thirteenth section, last line, strike out the word "three," and insert "two."

In fourteenth section, eighth line, strike out the words "two dollars" and insert the words "one dollar and fifty cents."

In fourteenth section strike out the last line.

Question on the final passage of the bill as amended, taken and carried.

Bill read a third time and passed, by the following vote:

Yeas—Messrs. Speaker, Allen, Armstrong, Burroughs, Bryan, Carothers, DeCordova, Dooley, Eddy, Edwards, Epperson, Fields, Goode, Hardeman, Keenan, Lewis, Lyons, Miller of C., Miller of H., Mosely, McNeill, Neal, Pease, Perry, Potter, Kayner,

Reagan, Robertson, Runnels, Stewart, Taylor, Walling, Wheeler and White—34.

Nays—Messrs. Bogart, Crutcher, Dennis, Davis of R., Haynie, Millican, McCown, Rains, Saddler, Shannon, Shaw, Stout, Stoddard, Truit and Webb—15.

Mr. Dooley moved to take up the bill to secure to the colonists of Fisher & Miller's colony, the lands to which they may be entitled—substitute of the Senate.

Read and adopted.

On motion of Mr. Robertson,

The House adjourned until to-morrow morning, 9 o'clock.

House of Representatives,
City of Austin, March 17, 1848.

The House met pursuant to adjournment.

The roll being called,

The following members answered to their names :

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Bryan, Carothers, Crutcher, Dennis, Davis of L., Davis of R., De Cordova, Eddy, Edwards, Epperson, Fields, Goode, Hardeman, Haynie, Keenan, Lewis, Lott, Lyons, Miller of C., Miller of H., Millican, Mosely, McCown, McNeill, Pease, Perry, Rains, Raynor, Reagan, Robertson, Railey, Runnels, Saddler, Shannon, Shaw, Sterne, Stout, Stoddard, Stewart, Taylor, Webb, Walling, Winkler and Willie.

A quorum being present,

The Journals of the preceding day were read in part.

Mr. Willie moved to suspend the rule for further reading of Journals :

Carried.

Mr. Miller of H. presented the petition of 85 citizens of Houston county, praying for a new county, to be called the county of Marion :

Referred to the committee on County Boundaries.

Mr. Fields in the Chair.

A message was received from the Senate, informing the House, that they had adopted the report of the Conference Committee, on an Act to provide for permanently fixing the County Seat of Dallas county; also, that they concur in the amendment of the House to a bill to provide for the enumeration of the inhabitants of the State of Texas for the year 1848; also, that they had passed the following bills:

A bill to be entitled "An Act to incorporate Milam Liberal Institute;"

A Joint Resolution appropriating \$100 for the purpose of procuring a map of Shelby county;

An Act for the relief of Michael Short;

An Act supplementary to an Act, supplemental to an Act, to organize the Supreme Court of the State of Texas;

An Act to incorporate the Houston Lyceum.

Mr. Pease, chairman of the committee on the Judiciary, made the following report:

The committee on the Judiciary to which was referred "a bill to be entitled an Act to provide for vesting in the State escheated property," originating in the Senate, have had said bill under consideration, and believe that the following amendments should be made—

1st. In 2d section, 8th line; strike out the word "petition," and insert the word "information."

In 2d section, 9th and 10th lines; strike out the words "*such succession is required to be opened*," and insert the words "*administration is required to be granted*."

In 2d section, 11th line; strike out the words "*opening successions*," and insert the words "*granting administration*."

In 2d section; 12th line; strike out the word "*petition*," and insert the word "information."

In 2d section, 16th line; strike out the word " , " and insert the word "*demanding*."

In 3d section, 4th line; strike out the word "*petitioner*," and insert the word "information."

In 4th section, 4th line; strike out the word "*petitioner*" and insert the word "information."

In section 5th, line 2d; strike out the word "*petitioner*," and insert the word "information."

In section 5th, line 5th ; strike out the word "*petitioner*," and insert the word "*information*."

In 7th section, 3d line ; strike out the word "*petitioner*," and insert the word "*information*."

In 8th section, 4th line ; strike out the word "*petitioner*," and insert the word "*information*."

In 15th section, 4th line ; strike out the word "*petitioner*," and insert the word "*information*."

In 17th section, 2d line ; strike out the word "*successions*," and insert the word "*estates*."

In 17th section 3d line ; strike out the words "*opened in*," and insert the words "*administered on*."

With these amendments, a majority of said committee have desired me to report the bill to the House.

Which report and bill were received, to come up in their order.

Mr. Carothers, chairman of the committee on County Boundaries made the following report :

The committee on County Boundaries, to whom was referred the Senate's bill, entitled "An Act to define the boundaries of Travis county," have had the same under consideration, and a majority of said committee instruct me to report the same back to the House, and respectfully ask to be excused from having any further action on the same; and that the House dispose of the question as may seem to them right and just.

Report received to come up in its order.

Mr. Lyons, chairman of the committee on "Public Roads and Highways," made the following report :

The committee on Public Roads and Highways, to whom was referred the petition of Thomas Lewis, asking certain ferry privileges, have had the same under consideration, and a majority have instructed me to report the same back, and ask to be discharged from the further consideration.

Which report and petition was received, to come up in their order.

Mr. Reagan, chairmān of Select Committee, made the following report :

The Select Committee, to whom was referred the "Joint Resolution" requesting John C. Watrous, Judge of the United States District Court for the District of Texas, to resign his seat as such, have had the same under consideration, and have instructed me to report the accompanying substitute and recommend its passage.

Which report and substitute was received, to come up in their order.

Mr. Mosely, one of the Select Committee, made the following report :

The undersigned, a member of the Select Committee, to whom was referred "Joint Resolution" censuring the Judge of the United States Court for the "District of Texas," have had the same under consideration, and after an examination of the conduct of the said Judge, before and since his appointment to said office, and is deeply impressed with the opinion, that the continuance of said Judge in his present position, will inflict a great public calamity upon the people of the State and Federal Government, which should be by all means avoided.—Therefore, to prevent the same, and for the purpose of obtaining the ends of public justice, through the Federal Judiciary, which can never be done while the present incumbent presides in said Court. The undersigned, a member of said committee, have reported the following substitute to the House, and recommend its adoption.

Which report and substitute were received, to come up in their order.

Mr. Lott, chairman of the committee of Conference, with a like committee from the Senate, made the following report :

The committee of Conference, to whom was referred "An Act to provide for fixing the Seat of Justice of the county of Dallas, have met and conferred upon the same, and agree that the House recede from their amendment—striking out the

name of Wm. Jenkins; and recommend striking out the name of Wm. J. Walker. All of which is respectfully submitted.

Which report was adopted.

Mr. Bryan, chairman of a committee of Conference on the part of the House, to meet a like committee on the part of the Senate, made the following report :

The committee of Conference on the "Act prescribing the punishment for cutting trees or timber upon any land without the consent of the owner," have agreed, with one dissenting voice, (the chairman on the part of the Senate,) that the Senate recede from its amendment, and recommend the following amendments :

Insert, in section 2d, after the words "persons shall," the words "willfully and knowingly," and add to the end of the same section, the words "provided the imprisonment shall not exceed ninety days :"

And ask the concurrence of the two Houses to the same.— All of which is respectfully submitted.

Which report was received and adopted.

Mr. Davis of L., chairman of Select Committee, made the following report :

The Select Committee to whom was referred "A bill to be entitled An Act to apportion the debt of old Liberty county, between the existing counties of Liberty, Polk and Tyler," have had the same under consideration, and have instructed me to report the accompanying substitute, and recommend its adoption.

Report and substitute received, to come up in their order.

Mr. Bourland moved to take up the orders of the day :

Carried.

Mr. Reagan moved to take up a bill for the benefit of settlers in Peter's Colony :

Lost.

Joint Resolution for the relief of Theodore W. Maltby, who was disabled for life in the service of the country :

Amendment of the Senate read and concurred in.

A bill to be entitled An Act to give each separate county in this State its own county Surveyor, maps and record :

Amendments of the Senate read and concurred in.

An Act to provide for deductions from the salaries of Judges of the Supreme and District Courts and District Attornies of this State who may neglect the performance of certain duties assigned them by law :

Amendments of Senate read.

Mr. Willie moved to postpone further action on bill and amendment until Tuesday next.

Mr. Mosely moved a call of the House :

Carried.

Mr. Armstrong moved to suspend the call ;

Carried.

Mr. Mosely moved a call of the House ;

Lost.

Question on Mr. Willie's motion to postpone—taken, and carried by the following vote :

Yeas—Messrs. Allen, Armstrong, Bourland, Burroughs, Bryan, Crutcher, Dennis, Davis of L., DeCordova, Dooley, Eddy, Edwards, Keenan, Lewis, Millican, Pease, Potter, Rains, Raynor, Robertson, Saddler, Sterne, Stoddard, Stewart, Winkler, Wheeler and Willie—27.

Nays—Messrs. Bogart, Carothers, Epperson, Fields, Goode, Hardeman, Haynie, Lott, Miller of C., Miller of H., Mosely, McCown, Neal, Perry, Reagan, Runnels, Shannon, Stout, Taylor, Truit, Webb, Walling and White—23.

Mr. Speaker in the Chair.

A bill to be entitled "An Act" to provide for the assessment and collection of taxes ;

Amendments of the Senate read.

Mr. Reagan moved to lay the bill on the table till evening ;

Mr. Raynor moved to lay the motion on the table until Tuesday next ;

Lost.

Question on Mr. Reagan's motion to lay the bill on the table until evening, taken and lost.

Mr. Fields moved to refer the bill to Finance committee, with instructions to report in the morning.

Lost.

Question—On the concurrence of the House to the amendments of the Senate, taken and stood thus.

Yeas—Messrs. Speaker, Allen, Bogart, Bourland, Davis of L., Davis of R., DeCordova, Dooley, Epperson, Fields, Goode, Hardeman, Haynie, Lott, Miller of C., Miller of H., Mosely, McNeill, Neal, Perry, Potter, Reagan, Runnels, Shannon, Shaw, Stout, Stoddard, Stewart, Taylor, Webb, Walling, Winkler and White—33.

Nays—Messrs. Armstrong, Burroughs, Bryan, Carothers, Crutcher, Dennis, Eddy, Edwards, Keenan, Millican, Pease, Rains, Rayner, Robertson, Saddler, Sterne, Truit, Wheeler and White—19.

Passed.

A message from the Senate informing the House that they had passed the following bills :

A bill to be entitled an act to change the name of Hn Conner to Hn Valentine Dalton and to make him a lawful heir of Valentine T. Dalton.

An act prescribing the punishment for cutting down, carrying away trees or timber upon any land without the consent of the owner, amended and referred to conference committee yesterday.

Report made and adopted by the House.

Joint Resolution requesting John C. Watrous to resign his office as Judge of the United States District Court for the District of Texas.

An act prescribing the mode of establishing the liabilities of drawers and endorsers of bills of Exchange and promissory notes—amendments by the Senate.

—

Mr. Bryan, Chairman of the committee on engrossed bills, made the following report :

The committee on engrossed bills have examined "a bill to

be entitled an act authorizing William M. Varnell to establish Ferries across Big Bayou and McHenrys Bayou in Calhoun county, and

Joint Resolution to authorize the Comptroller of the State of Texas to settle with Major R. S. Neighbors.

Report received and accepted.

Joint Resolution relative to temporary boundary lines and frontier protection, was

On motion of Mr. Robinson,

Taken up, and passed to a third reading.

Rule suspended, and

Bill read a third time.

Question on its final passage.

Vote stood,

Yeas—Messrs. Speaker, Bogart, Bourland, Bryan, Crutcher, Dennis, Davis of L., Davis of R., DeCordova, Dooley, Goode, Hardeman, Lewis, Lott, Miller of H., Millican, Mose-McCown, McNeill, Perry, Reagan, Robertson, Runnels, Shannon, Shaw, Stoddard, Taylor, Walling, Winkler and White—30.

Nays—Messrs. Armstrong, Carothers, Eddy, Edwards, Fields, Haynie, Keenan, Pease, Rains, Rayner, Saddler, Sterne, Stout, Truit, Webb and Willie—16.

Passed.

Mr. Pease Chairman of the committee on the Judiciary made the following report :

The committee on the Judiciary to which was referred "an act concerning crimes and punishments," ask leave to report that the great length of the act, and the late period at which it was referred, has prevented them from giving to the act, that thorough investigation and examination which its importance demands; indeed from the cursory examination they have been able to give the act, they are not prepared to recommend its to the House, or to express any definite opinion as to its merit is

have therefore concluded to report it back to the House for its action, the committee would respectfully suggest to the House that several amendments seem to be necessary to the act, and they present herewith a list of such amendments as have occurred to several members of the committee.

Report received to come up in its order.

A bill to be entitled an act for the benefit of persons who settled in the colony of W. S. Peters and his associates, (Senates bill.)

Read a first time.

Rule suspended.

Read a second time by caption, and

On motion of Mr. Potter,

Referred to the committee on Public Lands to be reported upon this evening.

A message was received from the Senate reporting the passage of the following bills:

A bill to be entitled an act to incorporate the town of Jefferson.

Joint Resolution for the relief of Lewis Thuner.

Mr. Fields moved to adjourn until 3 o'clock, p. m.

Lost.

Mr. Miller of H., moved to take a bill from the table concerning crimes and punishment.

Lost.

Mr. Willie moved to adjourn until 3 o'clock.

Lost.

Mr. McCown moved to finish reading the Journals of yesterday.

Carried.

Journals read and adopted.

Mr. Sterne by leave of the House offered the following resolution.

"Be it resolved, That the committee on printing are hereby authorized to contract with the proprietors of the Texas Democrat to print copies of the captions of the laws passed at the present session of the Legislature for the use of the House; to

be delivered to the Chief Clerk of the House of Representatives on Tuesday next in pamphlet form.

Adopted.

Mr. Robinson moved to fill the blank with 81.

Mr. Davis of R., moved to fill the blank with 500.

Mr. Sterne proposed 700.

Mr. Miller of H., proposed 1000.

Amendment carried.

Mr. Reagan moved to strike out Monday and insert Tuesday.

Carried.

Mr. Mosely moved to have the captions printed in pamphlet form.

Carried.

Question on the adoption of the resolution as amended, taken and

Carried.

A message from the Senate reporting to the House that they had passed,

An act regulating estrays.

Mr. Stout moved to adjourn until 3 o'clock, p. m.

Carried.

3 o'clock, p. m.

House met.

Roll called.

Quorum present,

A bill from the Senate to be entitled an act to incorporate the town of Jefferson.

Read a first time.

On motion of Mr. Mosely,

Rule suspended,

Bill read by caption a second time, and

On motion of Mr. Webb,

Passed to a third reading.

A message was received from the Senate informing the

House that the Senate had passed the following bills originating in the House of Representatives.

A bill to be entitled an act supplementary to an act entitled an act to establish the Judicial Districts of the District Courts.

A bill to be entitled an act authorizing the appointment of a Fiscal Agent for the better security of the Revenue.

A bill to be entitled an act providing for the payment of jurors.

A bill to be entitled an act regulating marks and brands, and

A Joint Resolution for the relief of E. B. Cogswell.

A bill to be entitled an act prescribing the mode of establishing the liabilities of drawers and endorsers of bills of exchange and promissory notes.

Amendments of the Senate read and adopted.

A bill to repeal the 11th section of an act entitled an act to detect fraudulent land certificates and to provide for issuing patents to legal claimants,

Taken up, and

On motion of Mr. Lewis,

Laid on the table until to-morrow.

A bill to be entitled an act prescribing the manner of adopting children,

Was on motion of Mr. Mosely.

Read by its caption a third time, and passed.

A bill to be entitled an act to incorporate the Colorado and Brazos Railroad Company.

Read a first time.

Rule suspended, and bill read by its caption a second time, and referred to the committee on Internal Improvements.

On motion of Mr. Eddy,

The joint resolution authorising the Comptroller of Public Accounts to settle with Major R. S. Neighbours, was taken up, and read a second time.

Mr. Lewis moved to strike out Major.

Carried.

Joint resolution was read a third time and passed.

Report of the committee on Finance, recommending that the petition of Henry Gibson be laid on the table.

Read and adopted.

Joint resolution authorizing the Commissioner of the Gene-

ral Land Office to rent lot No. 2, in block No. 97, in the city of Austin.

Substitute offered by the Land Office committee read and adopted, and

On motion of Mr. Fields,

Ordered to be engrossed.

On motion of Mr. Haynie,

Rule suspended,

Bill read a third time and passed.

Mr. Pease, by leave, introduced a joint resolution requiring all books, records and papers in the late Auditor's Office, to be transferred to the Office of the Comptroller of Public Accounts

Read a first time.

On motion of Mr. Willie,

Rule suspended.

Bill read a second time.

Mr. Bryan moved the engrossment of the bill.

Carried.

Rule further suspended, and

Bill read a third time and passed.

Mr. Reagan, from the Select Committee, by leave, made the following report:

Committee Room,
March 17th, 1848.

To the Honorable James W. Henderson,

Speaker of the House of Representatives :

The committee on Public Lands, to whom was referred "A bill to be entitled an act, for the benefit of persons who settled in the colony of W. S. Peters and his Associates, have had the same under consideration, and, having before them the proper evidence that the contract between Peters and the government stands precisely on the same grounds as the contract between Mercer and the government: the time in which said companies were to complete settlements in these respective colonies not having expired in either colony, to wit: the time allowed to Peters and others, extends to the first day of July, 1848; and the time allowed to Mercer and his associates extends to the 29th day of January, 1849. Your committee therefore, conceive that there is no good reason why the provisions of the proposed law should not extend as well to Mercer's as to Pe-

ters' contract, as no real difference exists as to the present condition of the two grants, or the suffering settlers within them.

The proposed law, as proposed to be amended by your committee, cannot, in the judgment of the committee, be construed into a relief from conditions or an extension of privileges to either of said companies: but only the carrying out in good faith the obligation of the government, arising out of the different laws under which said contracts were made, and the Ordinance of the Convention; after the colonists have done what the laws and ordinance above referred to required them to do, before they could obtain these titles—creating no new rights, but only perfecting those that do exist by the corresponding act of the government and the colonist settlers.

For these and many other reasons that might with much propriety be urged, your committee return the bill to the House, with sundry amendments, and recommend the adoption of the amendments, and the passage of the bill. All of which is respectfully submitted,

[Signed]

JOHN H. REAGAN, Chairman.

Mr. McCown in the Chair.

A message was received from the Senate, informing the House that the Senate had refused to adopt the substitute of the House for a joint resolution instructing our Senators, and requesting our Representatives, to procure the passage of an act of Congress, concerning the establishment of a temporary line of Military Posts, and relative to trade and intercourse with Indians; and had appointed a committee of Conference, consisting of Messrs. Jewet, Wallace and Cuny, and request the appointment of a like committee on the part of the House; and that the Senate had passed the following bills, originating in the House of Representatives:

A bill to be entitled an act to change the name of Ralph William Peacock to John Bowen;

A bill to be entitled an act, to amend the eleventh section of an act to incorporate the city of Austin, passed 11th May, A.D. 1846;

A bill to be entitled an act to provide for the more certain collection of taxes for the years 1846 and 1847;

A bill to be entitled an act to incorporate the town of Mount Pleasant, in Titus county.

Mr. Reagan reported the following amendments, made by Select Committee, which were adopted, to a bill to be entitled an act for the benefit of persons who settled in the colony of W. S. Peters and his associates :

Amendment First. Strike out all after the word "the" in the second line of the caption, and insert in lieu the words "Colonies of W. S. Peters and others, and of Charles Fenton Mercer and his associates."

Adopted.

Second. Strike out the words "the colony" in the third line of the first section, and insert in lieu the words "either of said colonies."

Adopted.

Third. Strike out the words "said colony," in the eleventh line of the first section, and insert in lieu the words "either of said colonies."

Adopted.

Fourth. Add to the word contract in the first line of the second section, the letter "s," so as to read "contracts."

Adopted.

Fifth. Strike out all after the word "settled" in the second line of the 2d section, to the word "on" in the fourth line of the second section.

Sixth. Strike out all of the second section, after the word "prior" in the eleventh line, and insert in lieu the words "legally made location."

Adopted.

Seventh. Insert, at the end of the fourth section, the following: "And any Clerk of a District Court for failing to make such return, shall be liable, on his official bond, at the suit of any person interested, after a conviction of such neglect, to be fined in a sum not more than one thousand nor less than one hundred dollars; one-half to go to the person prosecuting the suit, and the other half to the State."

Adopted.

Eighth. Strike out all after the words "limits of the" in the third line of the eighth section, and insert in lieu the words "limits of the county in which such survey may be situated:." *Provided*, That nothing contained in this act shall be so construed as to release either of said colonization companies from

any of the terms and conditions of their respective contracts ; *And further provided*, That widows and orphans, or the legal representatives of either, shall not be required to prove that they have cultivated the amount of land they were required to cultivate by the laws under which said contracts were made : but only that they have permanently resided in either of said colonies the length of time necessary to obtain the land, in order to avail themselves of the benefits of this act."

Adopted.

Mr. Lott moved to pass the bill to a third reading.

Mr. Walling moved to strike out the caption, and insert the following as a substitute, for the special benefit of attorneys and counsellors at law.

Rejected.

Bill passed to a third reading.

A message was received from the Senate, informing the House that the Senate had passed a substitute for a bill to be entitled an act to provide for the ascertainment and adjustment of the liabilities of the late Republic of Texas.

On motion of Mr. Bourland, was taken up, and substitute rejected.

On motion of Mr. Bourland, a committee of Conference was raised, consisting of Messrs. Bourland, Robertson, Fields, Webb and Dennis.

Mr. Armstrong moved to re-consider the vote passing a bill to be entitled an act to authorize and require the Judges of the District Courts to hold Special Sessions thereof, for the trial of persons charged with the commission of crime, the punishment of which is death.

The chair decided that the motion was out of order, as the bill had left the House.

Mr. Runnels appealed from the decision of the chair.

Appeal sustained.

Question on the reconsideration of the vote was taken and carried.

Mr. Pease moved that the Chief Clerk be instructed to inform the Hon. Senate of the action of the House, and request that the bill be returned.

Mr. Allen moved to re-consider the vote this morning postponing till Tuesday next, the action of the House on the amendments of the Senate, to a bill to be entitled an act, deducting

from the salaries of Supreme and District Judges, District Attorneys and Clerks, for neglect of certain duties.

Carried by the following vote :

Yeas—Messrs. Bogart, Carothers, Davis of R., Epperson, Fields, Goode, Hardeman, Haynie, Miller of C., Miller of H., Mosely, McCown, McNeill, Neal, Perry, Reagan, Railey, Runnels, Shannon, Shaw, Sterne, Stout, Taylor, Webb, Walling, Wheeler and White—27.

Nays—Messrs. Speaker, Armstrong, Bourland, Burroughs, Bryan, Crutcher, Dennis, Davis of L., Dooley, DeCordova, Eddy, Keenan, Millican, Pease, Potter, Rains, Rayner, Robertson, Saddler, Stewart, Truit, Wheeler and Willie—23.

A message was received from the Senate, returning the bill to be entitled an act to authorize and require the Judges of the District Courts to hold special sessions thereof, for the trial of persons charged with the commission of crimes, the punishment of which is death: Also, that the Senate had adopted the following resolution: Whereas it has pleased Divine Providence to call from among us the Hon. Richard Bache, Senator for the District of Galveston: And whereas the deceased, by his amiable deportment, as well as his unbending integrity, no less lives in the heart, than he commands the respect of the Senate, of which he was a member therefor.

1. Be it resolved, That the Senate stand adjourned, and that the members thereof will attend his funeral on to-morrow, at 10 o'clock.

2. Be it further resolved, That the Senate will wear the usual badge of mourning for thirty days, as a testimony of their regard for the deceased.

3. Be it further resolved, That they sympathize deeply with the family of the deceased in their bereavement.

4. Be it further resolved, That the Secretary of the Senate be instructed to furnish the family of the deceased with a copy of this preamble and resolutions.

Read, and on motion of Mr. Potter, unanimously adopted.

Mr. Potter moved that the House stand adjourned till to-morrow evening, 2 o'clock, to attend the funeral.

Carried.

House of Representatives,
Saturday 2 o'clock, p. m. March 18th, 1848.

The House met pursuant to adjournment.

The Roll was called, and

The following members answered to their names :

Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Carothers, Crutcher, Dennis, Davis of L., Davis of R., DeCordova, Eddy, Epperson, Fields, Goode, Hardeman, Haynie, Lott, Miller of C., Miller of H., Millican, McCown, McNeill, Neal, Pease, Perry, Potter, Rains, Rayner, Reagan, Robertson, Runnels, Saddler, Shannon, Shaw, Stout, Stoddard, Taylor, Truit, Webb, Walling, Winkler, White and Willie.

Quorum present,

The Journals of the preceding day read and adopted.

Mr. Taylor moved to take up the orders of the day.

Carried.

Mr. Webb by leave of the House introduced a bill to be entitled an act for the relief of Thomas Wheeler,

Read a first time.

Mr. Webb moved to suspend the rule,

And bill pass to second reading.

Lost.

Mr. Pease, Chairman of the committee on the Judiciary by leave of the House made the following report :

The committee on the Judiciary to which was referred "a bill to be entitled a Joint Resolution to detect and suppress illegal banking," have had the same under consideration, and ask leave to report a substitute which they recommend to the favorable consideration of the House.

Report and substitute received to come up in their order.

Mr. Allen, Chairman of the committee on State Affairs by leave of the House made the following report :

The committee on State Affairs to whom was referred "a

Joint Resolution requiring the Governor to reside at the seat of Government," together with the substitute first reported by your committee and the various amendments made to the same; have, after consuming many weeks in deliberating upon the subject under consideration, finally instructed me to report the resolution, substitute and amendments back to the House, and ask respectfully that the same be indefinitely postponed.

Report received to come up in its order.

Mr. Robertson, chairman of the committee on Internal Improvements made the following report :

The committee on Internal Improvements to whom was referred "a bill to be entitled an act to incorporate the Colorado and Brazos Rail Road Company," have had the same under consideration, and a majority of said committee have instructed me to report the bill back and recommend it to the consideration of the House.

Report and bill received to come up in their order.

Mr. Carothers, Chairman of the committee on county boundaries made the following report :

The committee on county boundaries instruct me to report to the House, the enclosed package, containing bills, petitions, &c., too tedious to mention, and the caption contains all the information necessary for the guidance of the House in the premises, would most respectfully ask that said caption be read, and that your committee be discharged from any further consideration of counties or county boundaries.

Report and package received to come up in their order.

Mr. Rayner, chairman of the committee on Claims and Accounts made the following report :

The committee on claims and accounts to whom were referred during the session, sundry relief bills, Joint Resolutions,

Audited and unaudited claims, have had the same under consideration, and have unanimously arrived at the following conclusion, that most of the claims submitted for their consideration, as far as they have investigated them, are just, and should be paid if the finances of the State were in a condition at this time to do so, and that many of the claims asked for, are of a highly meritorious character; but feeling satisfied that at this time our State Treasury is not in a condition to discharge those claims, have concluded to report them back to the House and ask that the committee be discharged from the further consideration of the same, and that the claimants have leave to withdraw their claims. All of which is respectfully submitted.

Report, claims and accounts received, to come up in their order.

Mr. Willie moved to suspend the rule.

Carried.

And report of Mr. Rayner adopted.

An act regulating estrays.

Read a third time and passed.

A message was received from his excellency, the Governor transmitting a schedule of the acts and Joint Resolutions that had received his signature.

Mr. Pease moved to take up the bill to be entitled an act to suppress illegal banking.

Carried.

Substitute read and adopted,

And bill ordered to be engrossed;

Rule suspended,

Bill read a third time and passed.

A bill to incorporate the town of Mount Pleasant in Titus county.

Amendment of the Senate concurred in.

A bill to be entitled an act to provide for the more certain collection of the Taxes for the years 1846 and 1847; amendments of the Senate.

Read and rejected.

An act to amend the 18th section of an act to incorporate

the city of Austin, passed 11th May, 1846; amendment of the Senate.

Read and concurred in.

A bill to be entitled an act regulating marks and brands—
Amendments of the Senate,

Read and concurred in,

Mr. Lott asked leave of the House to introduce a bill.

The House refused.

Joint resolution requesting John C. Watrous Judge of the United States District Court, for the District of Texas, to resign his office.

Bill read first time.

Mr. McNeill moved to suspend the rule.

Carried.

Message from the Senate informing the House that they had passed the "joint resolution requiring the Comptroller to settle with Major R. S. Neighbors.

Mr. Fields offered the following amendment.

Be it further enacted, That the Governor be requested to forward to the said J. C. Watrous under the seal of the State a copy of the foregoing preamble and resolution; also, a copy to each of our Senators and Representatives in the Congress of the United States.

Adopted.

Mr. Robertson moved to strike out "Senators and Representatives."

Lost.

Bill passed to a second reading.

Rule further suspended.

Bill read a third time.

The yeas and nays being called for, the vote stood:

Yeas—Messrs. Speaker, Armstrong, Bogart, Bourland, Carothers, Dennis, Davis of L., Davis of R., Eddy, Epperson, Fields, Hardeman, Haynie, Keenan, Lott, Miller of C., Miller of H., Millican, Mosely, McCown, McNeill, Neal, Perry, Rayner, Reagan, Robertson, Railey, Runnels, Saddler, Shannon, Shaw, Stout, Stoddard, Taylor, Walling and White.—36.

Nays—Messrs. Allen, Bryan, Crutcher, DeCordova, Doolley, Lewis, Rains and Truit—8.

Bill passed.

A bill to be entitled an act to incorporate the town of Jefferson.

Read by its caption a third time and passed.

A bill to be entitled an act for the benefit of persons who settled in the colony of W. S. Peters and his associates.

Read by its caption third time.

Mr. Lott moved a call of the House.

Quorum present.

Mr. Edwards excused from answering call on motion of Mr. Wheeler.

Mr. Mosely moved to suspend the call of the House.

Carried.

Question on the final passage of the bill as amended.

Stood,

Yeas—Messrs. Speaker, Bogart, Carothers, DeCordova, Dooley, Haynie, Lewis, Lott, Miller, of H., McCown, McNeill, Neal, Potter, Rayner, Reagan, Shannon, Taylor and Webb—18.

Nays—Messrs. Allen, Armstrong, Burroughs, Bryan, Crutcher, Dennis, Davis of L., Davis of R., Eddy, Fields, Hardeman, Keenan, Miller of C., Millican, Mosely, Pease, Perry, Rains, Robertson, Runnels, Saddler, Shaw, Stout, Stoddard, Truit, Walling, Winkler and White—28.

Bill lost.

A bill to be entitled an act to repeal the 11th section of an act supplementary to an act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants, approved, A. D. 1841.

Read a third time and passed.

—

Mr. Burroughs, Chairman of the committee on enrolled bills made the following report :

The enrolling committee have examined and find correctly enrolled,

“An act to prevent burning the woods and prairies.”

“An act appropriating certain fines and forfeitures.”

“An act to establish the method of trying the right of prop”

erty levied on under writs of execution, sequestration and attachment, where the same is claimed by a person who is not a party to said writ, and having been signed by the Speaker of the House of Representatives and President of the Senate, were this day presented to his Excellency the Governor for his approval.

Report accepted.

Mr. Bourland called to the Chair:

A bill to be entitled an act concerning crimes and their punishments.

Mr. Miller of H., moved to adopt the amendments.

Mr. Willie moved the indefinite postponement of the bill.

Mr. McCown moved the previous question.

Carried.

Question on the indefinite postponement of the bill.

Stood.

Yeas—Messrs. Armstrong, Bogart, Bourland, Crutcher, Eddy, Fields, Goode, Haynie, Lewis, Mosely, McCown, Perry, Rains, Rayner, Robertson, Runnels, Saddler, Shannon, Shaw, Sterne, and Willie—22.

Nays—Messrs. Speaker, Burroughs, Bryan, Carothers, Davis of L., Davis of R., Dennis, Dooley, Epperson, Harde-man, Keenan, Lott, Miller of C., Miller of H., Millican, McNeill, Neal, Pease, Potter, Reagan, Stout, Stoddard, Stewart, Taylor, Truit, Webb, Walling, Winkler, Wheeler and White—29.

Motion lost.

Mr. Bogart moved to refer the bill to a select committee.

Lost.

Mr. Goode moved the reading of the bill.

Mr. Mosely moved to read the bill by sections.

The speaker in the Chair.

Amendments offered by the committee read and adopted.

Mr. Miller of H., moved to pass the bill to a third reading.

Mr. Mosely offered the following amendments.

Strike out, imprisonment in the County Jail for twelve months, wherever it occurs in the bill, and insert, in the Penitentiary :

Which was rejected.

A message was received from the Senate, informing the House that they concur in the amendments of the House, on a "Joint Resolution requesting John C. Watrous to resign his office of Judge of the United States District Court for the District of Texas : " also, that they had substituted for An Act for the ascertainment and adjustment of the liabilities of the late Republic.

The House refused to adopt the substitute.

The following members were appointed by the Speaker a committee of Conference, to meet a like committee on part of the Senate : Messrs. Bourland, Robertson, Fields, Dennis and Webb : also, that they had passed a bill, (of the Senate,) to be entitled An Act for the relief of Thomas Wheeler.

Mr. Rayner moved a reconsideration of the vote to read bill by caption.

Mr. Willie moved to strike out, enacting clause.

Yeas and nays called for, stood —

Yeas—Messrs. Armstrong, Bogart, Bourland, Davis of L., Eddy, Fields, Goode, Haynie, Perry, Rayner, Robertson, Railey, Runnels, Saddler, Shannon, Shaw, Sterne and Willie—18.

Nays—Messrs. Speaker, Burroughs, Bryan, Carothers, Dennis, DeCordova, Dooley, Epperson, Hardeman, Keenan, Lott, Miller of C., Miller of H., Millican, Mosely, McNeill, Neal, Pease, Potter, Rains, Reagan, Stout, Stewart, Taylor, Truit, Webb, Walling, Winkler, Wheeler and White—30.

Lost.

A message was received from the Senate, informing the House that they had passed the following bills :

"A bill to be entitled An Act to legalize certain head-right certificates, issued by Geo. W. Miles, former Chief Justice of Liberty county ;"

"A Joint Resolution for the relief of Ford & Cronican ;"

"A bill to be entitled An Act for the relief of Seth Marvin ;"

"A bill to be entitled An Act to incorporate the Galveston Steam Ferry Freight and Towage Boat Company ;"

"An Act to incorporate the German Texian Friendship Association of Galveston ;"

"An Act to change the Northern boundary line of Limestone county."

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report :

"The Enrolling Committee have examined and find correctly Enrolled, "An Act to incorporate Cherokee Academy in the town of Rusk ;" also,

A Joint Resolution instructing our Senators and requesting our Representatives, to have a law passed to extend the jurisdiction of Texas over one-half of the waters of Sabine Lake, Pass and River ; also,

An Act to amend an Act to detect fraudulent land certificates ;"

And having been signed by the Speaker of the House of Representatives and President of the Senate, was this day presented to His Excellency the Governor for his approval.

Report accepted.

Mr. Bogart moved to adjourn until Monday morning 9 o'clock.

Lost.

Mr. Burroughs introduced the following resolution :

Resolved, That the Chief Clerk of the House be, and he is hereby, authorized to employ a sufficient number of persons to have the Acts and Joint Resolutions of this Legislature properly Enrolled, and that the persons so employed shall be paid out of the contingent expenses of the Legislature on the approval of the Speaker :

Adopted.

On motion of Mr. Carothers,

The House adjourned until 7 o'clock, P. M.

7 o'clock, P. M.

House met.
 Roll called,
 Quorum present.

On motion of Mr. DeCordova,
 Mr. Pease was added to the committee on Enrolled Bills.

Mr. Neal, chairman of the committee of Conference on the part of the House, on a bill to be entitled An Act to establish the County Seat of Cameron county, reported :

That they have considered the same, and have instructed the undersigned to report the bill and amendments back to the House, and ask to be discharged from the further consideration of the subject.

[Signed.] EDWARD FITZ GERALD, Chairman,
 On the part of the Senate.

BENJAMIN F. NEAL, Chairman,
 On the part of the House.

Report and bill received, to come up in order.

The bill entitled An Act concerning crimes and punishments being first in order,

Was taken up.

Mr. Runnels moved to insert after the word "Penitentiary," wherever it occurs in the bill, "if there is one built at the time."

Mr. Carothers moved the previous question :

Carried by the following vote :

Yeas—Messrs. Speaker, Bourland, Burroughs, Carothers, Dennis, Dooley, Epperson, Hardeman, Haynie, Keenan, Lott, Miller of C., Miller of H., Mosely, McNeill, Neal, Potter, Rains, Raynor, Reagan, Saddler, Stout, Stoddard, Taylor, Truit, Webb, Walling, Winkler, Wheeler and White—30.

Nays—Messrs. Allen, Armstrong, Bogart, Bryan, Crutcher, Davis of L., Davis of R., DeCordova, Eddy, Fields, Goode, Millican, Robertson, Runnels, Shaw, Sterne, Stewart and Willie—18.

Question on passing the bill to a third reading—reading called for :

Mr. Haynie moved to read by caption :

Lost.

Mr. Willie moved to lay the bill on the table until to-morrow :

Lost.

Mr. Willie moved to dispense with the further reading of the bill :

Lost.

Mr. Willie moved to read the bill by the first section :

Lost.

On motion of Mr. Carothers,

The further reading of the bill was dispensed with, and bill passed to a third reading.

A bill to be entitled An Act to authorize and require the Judges of the District Courts to hold special sessions thereof, for the trial of persons charged with the commission of crimes, the punishment of which is death.

Mr. Epperson moved the rejection of the bill ;

Mr. Pease moved to lay the bill on the table :

Carried.

Mr. Burroughs, chairman of the committee on Enrolled Bills, reported :

That the Enrolling Committee have examined and find correctly enrolled, "An Act to establish the Judicial Districts of the District Court ;"

An Act providing for the payment of Jurors ;

An Act to change the name of Ralph Wm. Peacock ;"

And having been signed by the Speaker of the House of Representatives and President of the Senate, were this day presented to His Excellency the Governor, for his approval.

Report accepted.

A bill to be entitled An Act to provide for vesting in the State escheated property,

Was taken up ;

Amendments offered by the Judiciary Committee, read.

Mr. Willie moved the rejection of the amendments ;

Carried.

On motion of Mr. Allen,

Read by its caption and passed to a third reading.

Mr. Burroughs, chairman of the committee on Enrolled Bills, reported :

That the Enrolling Committee have examined and find correctly Enrolled, "An Act for the regulation of Pilots at the mouth of the Brazos River ;" and having been signed by the Speaker of the House of Representatives and President of the Senate, was this day presented to His Excellency the Governor, for his approval.

A bill to be entitled "an act requiring the counties of Polk and Tyler to pay a portion of the debt of old Liberty county," was,

On motion of Mr. Davis of Liberty,

Read by its caption a third time, and passed.

A bill to be entitled an act to provide for compiling and correcting maps of the several Land Districts in this State.

Read.

On motion of Mr. Bogart,

Laid on the table till Tuesday next.

Preamble and Joint Resolutions instructing our Senators, and requesting our representatives in the Congress of the United States, to urge the passage of a law relative to temporary boundary lines, and frontier protection.

Mr. Robertson moved that a committee of Conference be raised.

Carried.

Whereupon the Speaker appointed Messrs. Robertson, Allen and Crutcher said committee.

A bill to provide for deductions from the salaries of Judges of the Supreme and District Courts, and District Attorneys of this State, who may neglect the performance of certain duties assigned them by law, taken up, and

On motion of Mr. Pease,

Laid on the table till Wednesday next, by the following vote :

Yeas—Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Burroughs, Bryan, Crutcher, Dennis, Davis of L., DeCordova, Dooley, Eddy, Haynie, Keenan, Lewis, Millican, Pease, Potter, Rains, Rayner, Robertson, Stewart, Winkler, Wheeler and Willie—26.

Nays—Messrs. Carothers, Davis of R., Epperson, Fields, Goode, Hardeman, Lott, Miller of C., Miller of H., Mosely, Me-

Cown, McNeill, Perry, Reagan, Runnels, Shannon Shaw, Sterne, Stout, Taylor, Truit, Webb, Walling and White—24.

A bill to be entitled an act to authorize William Varnell to establish Ferries across Big Bayou and McHenry's Bayou, in Calhoun county.

Read a third time and passed, by the following vote :

Y^{eas}—Messrs. Allen, Armstrong, Bogart, Bourland, Carothers, Clutcher, Dennis, Davis of L., Davis of R., DeCordova, Eddy, Epperson, Goode, Hardeman, Haynie, Keenan, Lewis, Lott, McNeill, Perry, Potter, Rayner, Reagan, Robertson, Runnels, Saddler, Shannon, Shaw, Sterne, Stoddard, Stewart, Truit, Webb, Winkler, Wheeler, White and Willie—37.

N^{ays}—Messrs. Speaker, Fields, Miller of G., Miller of H., Millican, McCown, Pease, Rains, Stout, Taylor and Walling—13.

Report of the committee on Roads and Public Highways, asking to be discharged from the further consideration of a petition of the citizens of Galveston, asking a ferry privilege for Thomas B. Lewis.

Read and adopted,

Substitute offered by Select committee for a joint resolution requesting John C. Watrous, Judge of the United States District Court, for the District of Texas, with report of Select Committee, taken up, and

On motion of Mr. Bourland,

Laid on the table.

Report of the minority of Select Committee on same subject, with resolution, laid on the table.

A bill to be entitled an act to define the boundaries of Travis county.

Mr. Lewis offered a substitute for the bill, which was read and adopted, and bill passed to a third reading.

Report of the committee on State Affairs, recommending that the petition of James Cocke be laid on the table.

Read and adopted.

A bill to be entitled an act, supplemental to an act, to organize the Supreme Court of the State of Texas.

Mr. McNeill moved its rejection.

Carried.

A bill to be entitled an act to authorize Robert H. Porter to construct a Turnpike Road and establish a ferry on the Trinity river, at Porter's Bluff.

Mr. Robertson moved the postponement of the bill till Tuesday next.

Lost.

Mr. Winkler moved the engrossment of the bill.

Mr. Stout moved to amend as follows:

"Provided, That the provisions of this act shall not prohibit the County Court from establishing a Road or Ferry within one mile of said road."

Mr. Sterne moved the previous question.

Carried.

Question on the engrossment taken and carried.

Mr. Mosely asked leave to introduce a resolution.

Refused.

A bill to be entitled an act to provide for removing the Supreme Court to the town of Huntsville.

Mr. Willie moved the engrossment of the bill.

Mr. Mosely offered a substitute for the bill.

Mr. Miller, of H., moved the previous question.

Carried.

Question on the engrossment taken and carried by the following vote:

Yeas—Messrs. Speaker, Armstrong, Carothers, Davis of L., Davis of R., Eddy, Fields, Haynie, Keenan, Lott, Miller of H., McCown, McNeill, Pease, Perry, Potter, Rayner, Robertson, Shaw, Sterne, Stout, Taylor, Truit Winkler, Wheeler and Willie—26.

Nays—Messrs. Allen, Bogart, Bourland, Burroughs, Bryan, Crutcher, Dennis, DeCordova, Epperson, Goode, Hardeman, Lewis, Miller of C., Milligan, Mosely, Rains, Reagan, Runnels, Saddler, Shannon, Stoddard, Stewart, Webb, Walling and White—25.

Mr. McNeill moved the suspension of the rule requiring bills to be read on three several days.

Lost.

Mr. Mosely introduced the following Preamble and Resolution:

Whereas the chairman of the Judiciary committee has in his possession certain bills that have been referred to said com-

mittee, and which have received the sanction and approval of a majority of this House :

Resolved, That the chairman of said committee be instructed to report all the bills in his possession, for the action of this House; forthwith.

Mr. DeCordova moved to refer the resolution to the committee on the Penitentiary.

Mr. Willie moved its rejection.

Mr. Reagan asked leave to introduce a substitute for the resolution.

Mr. Willie moved the rejection of the resolution and substitute.

On motion of Mr. Willie,

The House resolved itself into a committee of the whole on the resolution and substitute.

Mr. White called to the chair.

Committee rose.

A message was received from the Senate, informing the House that the Senate had passed a bill originating in the House of Representatives, to be entitled an act making appropriations for the support of the Government for the years 1848 and 1849, with amendments, which,

On motion of Mr. Bourland, was taken up.

Mr. Willie moved that the bill and amendments be made the special order of the day for to-morrow.

Lost.

The first and second amendments read and concurred in.

The 4th amendment concurred in by the following vote.

Yeas—Messrs. Speaker, Allen, Armstrong, Bourland, Bryan, Crutcher, Davis of L., Davis of R., DeCordova, Dooley, Epperson, Fields, Goode, Hardeman, Haynie, Keenan, Lewis, Lott, Miller of C., McCown, McNeill, Pease, Reagan, Robertson; Saddler, Shannon, Shaw, Sterne, Stout, Stoddard, Stewart, Taylor, Winkler, Wheeler and Willie—35.

Nays—Messrs. Bogart, Burroughs, Carothers, Dennis, Eddy, Miller of H., Millican, Mosely, Perry, Potter, Rains, Rayner, Runnels, Truit, Webb, Walling and White—17.

Amendments 5th, 6th and 7th, read and concurred in.

Eighth amendment concurred in by the following vote:

Yeas—Messrs. Speaker, Allen, Burroughs, Bryan, Carothers, Dennis, DeCordova, Dooley, Epperson, Hardeman, Keenan, Lewis Lott, Miller of C., Miller of H., Millican, Mosely, McNeill, Pease, Perry, Potter, Rayner, Robertson, Shannon, Stewart, Taylor, Webb, Walling, Wheeler and White—30.

Nays—Messrs. Armstrong, Bogart, Bourland, Davis of L., Davis of R., Eddy, Fields, Goode, Haynie, McCown, Rains, Reagan, Runnels, Saddler, Shaw, Stout, Truit, Winkler and Willie—19.

Ninth amendment, for late Auditor, House refused to concur.

House concurred in 10th amendment.

And refused to concur in the 11th.

House concurred in the 12th and 13th amendments.

The 14th amendment which is for the benefit of the special Judge of the Supreme Court concurred in by the following vote.

Yeas—Messrs. Speaker, Allen, Bogart, Bourland, Burroughs, Davis of R., DeCordova, Epperson, Fields, Goode, Hardeman, Haynie, Keenan, Lewis, Lott, Miller of C., Miller of H., Mosely, McCown, McNeill, Rains, Reagan, Saddler, Shannon, Shaw, Sterne, Stewart, Truit, Walling, Winkler, and White—31.

Nays—Messrs. Armstrong, Bryan, Carothers, Dennis, Millican, Pease, Perry, Potter, Rayner Robertson, Stout, Stoddard, Taylor and Willie—14.

Amendments 15th, 16th, 17th, 18th, 19th and 20th, read and concurred in.

Twenty-first amendment, House refused to concur in by the following vote.

Yeas—Messrs. Allen, Bogart, Bourland, Davis of R., DeCordova, Fields, Goode, Haynie, Keenan, Lewis, Lott, Miller of C., McCown, Perry, Potter, Robertson, Shannon and Stoddard—18.

Nays—Messrs. Speaker, Armstrong, Burroughs, Bryan, Carothers, Dennis, Eddy, Epperson, Hardeman, Miller of H., Millican, Mosely, McNeill, Pease, Rains, Rayner, Reagan, Runnels, Saddler, Shaw, Stout, Stewart, Taylor, Truitt, Walling, Winkler, Wheeler, White and Willie—29.

The House also refused to concur in the 22d amendment by the following vote:

Yeas—Messrs. Allen, Bourland, DeCordova, Haynie, Keenan, Lewis, Lott, Miller of C., McCown, Perry, Potter, Robertson, Shannon and Stoddard—14.

Nays—Messrs. Speaker, Armstrong, Burroughs, Bryan, Carothers, Dennis, Eddy, Epperson, Fields, Goode, Hardeman, Miller of H., Millican, Mosely, McNeill, Pease, Rains, Rayner, Reagan, Runnels, Saddler, Shaw, Stout, Stewart; Taylor, Truit, Walling, Winkler, Wheeler, White and Willie—31.

Twenty first amendment concurred in.

Mr. McCown moved to adjourn until Monday morning 9 o'clock.

Lost.

Mr. Burroughs, chairman of the committee on enrolled bills reported,

That the enrolling committee have examined and find correctly enrolled :

“A Joint Resolution to authorize the Comptroller of Public Accounts to settle with R. S. Neighbors.”

Joint Resolution for the relief of the heirs of Mark Noble, deceased, and having been signed by the speaker of the House of Representatives and President of the Senate, was this day presented to his Excellency the Governor for his approval.

Joint Resolution to authorize the Adjutant General to employ an assistant clerk in his office.

Read,

And on motion of Mr. Willie,

Laid on the table until Thursday next.

Mr. Bourland introduced a Joint Resolution granting to James B. Shaw, Comptroller of Public Accounts leave of absence from his office, in 1848, for the term of six weeks.

On motion of Mr. Bourland,

The rule was suspended, and

Resolution read by its caption a second time.

Mr. Robertson moved the engrossment,

Carried, and

On motion of Mr. Potter,

Rule further suspended, and

Joint Resolution read a third time and passed.

On motion of Mr. Allen,

The House then adjourned until Monday morning 9 o'clock.

House of Representatives,
Monday morning, 9 o'clock, March 20th, 1848.

The House met pursuant to adjournment.

The roll being called;

The following members answered to their names.

Messrs. Speaker, Armstrong, Bogart, Bourland, Bryan, Carothers, Crutcher, Dennis, Davis of L., Davis of R., DeCordova, Dooley, Eddy, Fields, Goode, Hardeman, Haynie, Lewis, Lott, Miller of C., Miller of H., Millican, Mosely, McCown, McNeill, Neal, Perry, Potter, Raynor, Reagan, Robertson, Ralley, Runnels, Saddler, Shannon, Shaw, Sterne, Stout, Stoddard, Stewart, Taylor, Walling, Winkler, Wheeler and White.

Quorum present,

The Journals of the 18th inst., were read and adopted.

On motion of Mr. Potter,

Mr. Mosely's resolution relative to the committee on the Judiciary, was stricken out of the Journals.

Mr. Pease. Chairman of the committee on the Judiciary made the following report:

The committee on the Judiciary have directed me to return to the House, sundry bills, resolutions and petitions, none of which have been finally acted upon by the committee, and ask to be discharged from their further consideration.

Which report was adopted.

A message was received from the Senate informing the House that they had passed,

"A bill to incorporate the Goliad Statistical Society, with the following amendment, strike out all after "dollars" in first line before the last."

Mr. Allen, Chairman of the committee on State affairs, made the following report:

The committee on State Affairs to whom was referred "an act to prevent free negroes from coming to the State;" and

The petition of sundry citizens of Galveston asking that the Legislature will pass a law of similar purport, have had the same under consideration, and I am instructed to report them back to the House, and to express as the opinion of your committee, conceived at first blush, that correct public policy demands the urgent necessity of such law, but owing to the *short time* allowed to them to examine the subject, in order to arrive at a conclusion which would bear rigid scrutiny, in connection with the press of business which characterizes generally the last day of the session of Legislative bodies, respectfully recommend that the same be laid upon the table.

Which report was adopted.

Mr. Reagan, chairman of the committee on Public Lands, made the following report:

I herewith report to back the House sundry petitions, resolutions and bills, which have been referred to the committee on Public Lands, with the action of the committee thereon.

*Which report was received and adopted.

Mr. Allen, chairman of the committee of conference on the part of the House, to meet a like committee on the part of the Senate, made the following report:

The committee on contingent expenses of the two Houses of the Legislature, to whom was referred a resolution requir-

said committee to contract with some suitable person to take charge of the Capitol, and the furniture thereof, beg leave to report that they have contracted with Thomas Ward for the same at one hundred dollars for the term of two years.

Which report was received and adopted,

Mr. Haynie, one of the committee on enrolled bills made the following report:

The enrolling committee have examined and find correctly enrolled,

"An act to incorporate the Houston Lyceum."

"A bill to be entitled an act to give to each separate county in this State its own County Surveyor, Maps and Records."

"An act to define the time of holding the District Courts in the ninth Judicial District."

"A joint resolution appropriating the sum of \$100 for the purpose of procuring a map of Shelby county."

"An act to incorporate the Milam Liberal Institute."

"An act for the relief of Michael Short.

"A Joint Resolution for the relief of Theodore D. Maltby, John Hervey, and Nathaniel M. Mallon."

An act authorizing the appointment of a Fiscal Agent.

A Joint Resolution for the relief of Lewis Thurner.

An act to raise a revenue by taxation.

An act regulating marks and brands.

An act regulating estrays.

An act to change the name of Hn Connor to Hn Valentide Dalton.

An act establishing the liabilities of drawers and endorsers of bills of exchange and promissory notes.

An act to define the time of holding elections.

An act to organize Justices Courts, and having been signed by the Speaker of the House of Representatives and President of the Senate, weret his day presented to his Excellency the Governor, for his approval,

Report accepted.

Mr. Bourland, Chairman of the Conference Committee on part of the House on the public liabilities to meet a like committee on part of the Senate, made the following report:

The committee of conference on the part of the Senate and House to whom was referred the substitute of the Senate for a bill from the House to provide for the ascertainment and adjustment of the liabilities of the late Republic of Texas, have conferred upon the matters submitted to them, and with an additional section to the Senates substitute they recommend the adoption thereof, and the passage of the bill.

[Signed]

HENRY J. JEWETT, Chairman
of the committee on part of the Senate.
W. H. BOURLAND, Chairman of
the Committee on part of the House.

Mr. Crutcher, chairman of a Special Committee, made the following report:

Your Special Committee, to which was referred a bill to be entitled "An Act to suppress treating by candidates for public office," have had the same under consideration, and beg leave to report that they are fully satisfied that immense benefits would flow from the passage and enforcement of such a law. They know from their own experience the evils of the baneful practice resorted to by candidates for public office for the purpose of gaining popularity. Nevertheless, your committee are forced to the conclusion, that said custom has become too deeply rooted in our country by the low practice, to be easily eradicated, and as they believe it is the sense of this Legislature that evils of this kind should be cured by public opinion rather than by Legislative enactment, they have instructed me to report the bill back to the House, and ask to be discharged from its further consideration.

Report received and laid upon the table.

Mr. Reagan introduced a supplement to a bill to be entitled "An Act to organize Houston county ;"

Rule suspended :

Bill read a second time, and

Ordered to be engrossed.

Rule further suspended ;

Bill read a third time, and passed.

Bill to define the boundaries of Travis county :

Read by caption, and

On motion of Mr. Lewis,

Laid on the table for one hour.

Bill concerning crimes and punishments ;

Read by caption.

Mr. Mosely moved a call of the House :

Carried.

Quorum present.

Mr. Mosely moved to excuse Mr. Burroughs on account of sickness :

Carried.

Mr. Taylor moved to excuse Mr. Webb :

Carried.

On motion of Mr. Goode,

The call was suspended.

Question on the final passage of the bill concerning crimes and punishments, the vote stood—

Yeas—Messrs. Speaker, Bryan, Carothers, Dennis, Davis of R., DeCordova, Dooley, Eddy, Edwards, Epperson, Hardiman, Keenan, Lewis, Lott, Miller of C., Miller of H., Milligan, Mosely, McNeill, Neal, Pease, Potter, Rains, Reagan, Robinson, Shannon, Sterne, Stout, Stoddard, Stewart, Taylor, Walling, Winkler, Wheeler and White—35.

Nays—Messrs. Armstrong, Bourland, Davis of L., Fields, Goode, Haynie, Perry, Rayner, Runnels, Saddler, Shaw and Willie—12.

Bill passed

A bill to be entitled an Act to establish the County Seat of Cameron county ;

Report of Conference Committee read and adopted.

Mr. Willie in the Chair.

A bill to be entitled an Act to provide for vesting escheated property in the State, &c.;

Read.

Mr. Crutcher moved to suspend the further reading of the bill ;

Carried.

Bill read a third time and passed.

Mr. Pease introduced an Act supplementary to an Act to organize Justices' Courts :

Read first time.

Rule suspended ;

Bill read a second time, and

Ordered to be engrossed.

Rule further suspended ;

Bill read a third time and passed.

A bill to be entitled an Act to provide for the compiling and correcting of maps for the several Land Districts in this State :

Amendments offered by the committee on Land Office read and adopted.

Mr. McNeill moved the engrossment of the bill.

Mr. Robertson moved its indefinite postponement.

A message was received from the Senate, informing the House that they concur in the amendments to a bill concerning crimes and punishments ; also,

That they had passed a Joint Resolution authorizing the Commissioner of the General Land Office to issue a patent to Edward Hill.

Mr. Mosely moved a call of the House :

Carried.

Quorum present.

Mr. Taylor moved to suspend the call :

Carried.

Question on the indefinite postponement of the bill, taken, and lost.

Mr. Robertson offered the following amendment :

"And all laws or parts of laws passed at this Session of the Legislature, relative to county maps and Land Districts, are hereby repealed."

Mr. Miller of H., moved the previous question :

Lost.

Question on Mr. Robertson's amendment, taken, and lost by the following vote :

Yeas—Messrs. Armstrong, Bogart, Bryan, Dennis, Davis of R., Dooley, Eddy, Fields, Lewis, Miller of C., Mosely, Neal, Reagan, Runnels, Saddler, Sterne, Stewart, Winkler and Willie—19.

Nays—Messrs. Speaker, Allen, Bourland, Davis of L., De Cordova, Epperson, Goode, Hardeman, Haynie, Lott, Millican,

McNeill, Perry, Rains, Rayner, Robertson, Railey, Shannon, Shaw, Stout, Stoddard, Taylor, Truit, Walling, Wheeler and White—26.

Lost.

Question on the engrossment of the bill, taken, and carried.
Mr. McNeill moved to suspend the rule :

Lost.

A bill (from the Senate,) to be entitled an Act for the relief of Thomas Wheeler ;

Read a first time.

Mr. Crutcher moved to suspend the rule ;

Lost.

Mr. Haynie moved to take up the motion to reconsider the vote rejecting a bill for the relief of James Cole ;

Carried.

Question to reconsider the vote on the bill, taken, and lost.

Mr. Robertson moved that Mr. Haynie have leave to withdraw the papers in favor of James Cole.

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report :

The committee on Engrossed Bills have examined a bill to be entitled "An Act to authorize Robert H. Porter to construct a turnpike road and establish a ferry on the Trinity River at Porter's Bluff ;"

"A bill to be entitled an Act to provide for removing the Supreme Court to the town of Huntsville ;" and find the same correctly engrossed.

Report accepted.

Mr. McNeill moved to take up the bill to be entitled an Act to provide for removing the Supreme Court to the town of Huntsville.

Mr. Lott moved a call of the House ;

Lost.

Mr. Dvais of R., maved a call of the House ;

Carried.

Quorum present.

Mr. Crutcher moved to suspend the call ;

Carried.

Mr. Runnels moved a call of the House ;

Lost.

Question on taking up the bill to remove the Supreme Court to the town of Huntsville, taken, and carried by the following vote :

Yeas—Messrs. Speaker, Allen, Armstrong, Carothers, Crutcher, Davis of L., Davis of R., DeCordova, Dooley, Eddy, Fields, Keenan, Lewis, Lott, Miller of H., Millican, McCown, McNeill, Neal, Pease, Potter, Rains, Rayner, Robertson, Shaw, Sterne, Stout, Taylor, Truit, Winkler, Wheeler and Willie—32.

Nays—Messrs. Bourland, Bryan, Dennis, Epperson, Goode, Hardeman, Mosely, Perry, Reagan, Runnels, Shannon, Stoddard, Stewart, Walling and White—15.

Bill read third time,

And passed by the following vote :

Yeas—Messrs. Speaker, Armstrong, Carothers, Davis of L., Davis of R., DeCordova, Dooley, Eddy, Fields, Haynie, Keenan, Lewis, Lott, Miller of H., Millican, McCown, McNeill, Perry, Potter, Rains, Rayner, Robertson, Sterne, Stout, Taylor, Truit, Winkler, Wheeler and Willie—28.

Nays—Messrs. Allen, Bogart, Bourland, Bryan, Crutcher, Dennis, Epperson, Goode, Mosely, Neal, Pease, Reagan, Runnels, Shannon, Shaw, Stoddard, Stewart, Walling and White—20.

A message was received from the Senate, informing the House that the Senate had adopted the report of the committee of Conference, on a Joint Resolution instructing our Senators and requesting our Representatives in the Congress of the United States relative to frontier protection, and trade and intercourse with the Indians, which reads as follows :

The committee of Conference on the part of both Houses, to whom was referred the substitute of the House for the Senate's bill in relation to a line of Military Posts on the frontier, and intercourse with the Indians, have met and conferred upon the matters submitted, and recommend the adoption of the following Joint Resolution as a substitute for the bills, both of the Senate and of the House.

HENRY J. JEWETT, Chairman,

On the part of the Senate.

J. B. ROBERTSON, Chairman,

On the part of the House.

Report read and adopted.

A bill to be entitled an Act authorizing Robert H. Porter, to construct a turnpike road and establish a ferry across the Trinity River at Porter's Bluff;

Read a third time,

And passed by the following vote :

Yeas—Messrs. Speaker, Allen, Armstrong, Bogart, Bourland, Bryan, Carothers, Crutcher, Davis of L., Davis of R., DeCordova, Dooley, Epperson, Goode, Hardeman, Haynie, Keenan, Lewis, Lott, Miller of H., McNeill, Rayner, Reagan, Robertson, Saddler, Shannon, Shaw, Sterne, Stoddard, Stewart, Truit, Winkler, Wheeler, White and Willie—35.

Nays—Messrs. Dennis, Eddy, Fields, Miller of C., Millican, Pease, Rains, Stout, Taylor and Walling—10.

Messrs. Neal, Robertson and Fields, were appointed a committee of Conference on the part of the House, to meet a like committee on the part of the Senate, on the appropriation bill for the years 1848 and '49.

A message was received from the Senate, informing the House that the Senate had passed a bill authorizing the Governor to employ counsel in suits in which the State of Texas may be interested, when taken to the Supreme Court of the United States :

Report of committee of Conference adopted.

A message was received from the Senate, informing the House that they had passed a bill to suppress illegal Banking.

Mr. Haynie moved to add Messrs. Reagan and Stout to the Enrolling Committee.

A bill to incorporate the Colorado and Brazos Rail-Road Company.

Mr. Lott moved to lay it on the table :

Carried.

Mr. Fields moved to take up a bill for the relief of Alexander Wright :

Lost.

Mr. Robertson moved to reconsider the vote just taken :

Lost.

Mr. Crutcher moved to reconsider the vote rejecting a bill to incorporate the Colorado and Brazos Rail-Road Company :

Lost.

Mr. Eddy moved to reconsider the vote on the above bill:
Carried.

Mr. Armstrong moved the indefinite postponement of the bill.

Lost.

Mr. Haynie, one of the Enrolling Committee, made the following report:-

The Enrolling Committee have examined, and find correctly Enrolled,

"An act to provide for the assessment and collection of the taxes;"

An act to provide for the exchange of Books, Maps and Charts;

"Joint resolution for the relief of E. B. Cogswell;"

An act prescribing the punishment for cutting down, carrying away, and destroying timber;

"An act to incorporate the town of Mount Pleasant;"

"An act for the relief of Seth Marvin;"

"An act, to amend the eighteenth section of an act, to incorporate the city of Austin;"

And having been signed by the Speaker of the House of Representatives and President of the Senate, were this day presented to his excellency, the Governor, for his approval.

Mr. Goode moved to lay the bill for the relief of Alexander Wright, on the table.

Carried by the following vote:

Yeas—Messrs. Armstrong, Bourland, Bryan, Dennis, Davis of R., Dooley, Eddy, Goode, Hardeman, Haynie, Lott, Miller of C., Miller of H., McNeill, Perry, Potter, Rains, Railey, Reagan, Runnels, Saddler, Shannoa, Sterne, Stewart and Taylor—25.

Nays—Messrs. Speaker, Bogart, Crutcher, Davis of L., DeCordova, Epperson, Fields, Keenan, Millican, Mosely, Neal, Rayner, Robertson, Shaw, Stoddard, Stout, Walling, Winkler, White and Willie—20.

Mr. Haynie moved to take up the bill to define the boundaries of Travis county.

Mr. Stoddard moved a call of the House.

Lost.

Mr. Dooley moved to lay the bill on the table.

Mr. Haynie moved the previous question.

Carried.

Mr. Haynie moved a call of the House.

Carried.

Quorum present.

On motion of Mr. Stout,

The call of the House was suspended.

A message was received from the Senate, informing the House that the Senate had passed the following bills:

A bill to be entitled an act requiring the counties of Polk and Tyler to pay a portion of the debt of Liberty county;

A bill to be entitled an act, supplementary to an act, for the further organization of Henderson county;

An act regulating fees of office, with an amendment; and

A joint resolution for the relief of Allen Kellough.

Question on the final passage of the bill defining the boundaries of Travis county, taken and carried by the following vote:

Yeas—Messrs. Speaker, Allen, Bourland, Bryan, Crutcher, Davis of L., Davis of R., DeCordova, Eddy, Epperson, Goode, Hardeman, Haynie, Keenan, Lewis, Lott, Millican, Mosely, McNeill, Perry, Rains, Rayner, Robertson, Railey, Shaw, Sterne, Stout, Stoddard, Truit, Walling, Winkler, Wheeler, White and Willie—34.

Nays—Messrs. Armstrong, Dennis, Dooley, Fields, Miller of C., Neal, Reagan, Runnels, Saddler, Shannon, Stewart and Taylor—12.

The chair decided that as the previous question cuts off all debate, its effects could not be evaded by the rule which permits a member to give his reasons for voting.

Mr. Bryan appealed from the decision of the chair.

Chair sustained.

Mr. Willie moved to re-consider the vote just taken, passing the bill to define the boundaries of Travis county.

Mr. Haynie moved the previous question.

Carried.

Question on the re-consideration taken and lost by the following vote:

Yeas—Messrs. Armstrong, Bogart, Bryan, Dennis, Davis

of R., Dooley, Eddy, Fields, Lewis, Miller of C., Mosely, Neal, Reagan, Runnels, Saddler, Sterne, Stewart, Winkler and Willie—19.

Nays—Messrs. Speaker, Allen, Bourland, Davis of L., DeCordova, Epperson, Goode, Hardeman, Haynie, Lott, Millican, McNeill, Perry, Rains, Rayner, Robertson, Railey, Shannon, Shaw, Stout, Stoddard, Taylor, Truit, Walling, Wheeler and White—26.

Mr. Mosely moved to re-consider the vote rejecting the bill authorizing the Adjutant General to employ a Clerk in said office.

Lost.

On motion of Mr. Miller, of H.,

The House then adjourned until 2 o'clock, p. m.

2 o'clock, p. m.

House met.

Roll called.

Quorum present.

Bill regulating fees of office, (amendments of the Senate,) read and concurred in.

A bill, supplementary to an act, entitled an act, to ascertain the debt of the late Republic of Texas.

Read first time.

Rule suspended, bill read a second time, and ordered to be engrossed.

Rule further suspended, bill read a third time and passed.

Mr. Fields introduced a resolution to raise a committee to wait on his Excellency, the Governor, and inform him that the Legislature is about to adjourn *sine die*, and to learn whether he has any thing further to lay before the Legislature for its action. Whereupon the Speaker appointed Messrs. Fields, Miller of H., and Bogart, said committee.

Mr. Haynie, one of the Enrolling Committee, reported,—That the committee had examined, and find correctly Enrolled,

“An act to change the northern boundary line of Limestone county;”

“Joint resolution authorizing the Commissioner of the General Land Office to issue a patent to Edward Hall;”

“An act to incorporate the German Texian Friendship Association of Galveston;”

"An act to incorporate the Galveston Steam Ferry, Freight and Tow-Boat Company;"

"An act to legalize certain head-right certificates, issued by George W. Miles, former Chief Justice of Liberty county;"

"Joint Resolution for the relief of Ford & Chronican;"

"An act to provide for ascertaining the debt of the late Republic of Texas;"

"An act to provide for the more certain collection of the taxes for the years 1846 and 1847."

And having been signed by the Speaker of the House of Representatives, and President of the Senate, were this day presented to his Excellency, the Governor, for his approval.

A bill to be entitled an act to incorporate the Goliad Statistical Society; (amendments of the Senate read and concurred in.)

Mr. Goode in the chair.

A message was received from the Senate, informing the House that the Senate had adopted the memorial offered by the Select committee, to the Congress of the United States, setting forth the claims of the citizens of Texas for remuneration for injuries done their property by the armies of Mexico during the revolution, and praying that honorable body to cause a stipulation to that effect, to be inserted in the Treaty of Peace, hereafter to be made between the two governments, and the report of the committee of Conference on the same; and a joint resolution authorizing W. M. Potter to draw the per diem pay of the Hon. Richard Bache, as Senator in the second Legislature of the State of Texas, which was taken up and read a first time.

Rule suspended, resolution read a second time, and passed to a third reading.

Rule further suspended, joint resolution read a third time and passed.

The Select Committee appointed to draft a memorial to the Congress of the United States, reported:

That the Select Committee of the two Houses of the Legislature to whom was referred a resolution of the Legislature to draft a memorial to the Congress of the United States, setting forth the claims of the citizens of Texas, for remuneration for injuries done their property by the armies of Mexico during the revolution, and praying that Hon. body to cause a stipulation to that effect to be inserted in the treaty of peace hereafter to be made between the two Governments, beg leave to pre-

sent herewith for the action and consideration of the Legislature the accompanying memorial and resolution.

[Signed,]

PHILIP M. CUNY, Chairman

on part of the Senate.

W. H. CRUTCHER, Chairman

on part of the House.

Report and memorial read and adopted.

Mr. Neal, chairman of the committee of conference, reported,

That the committee of conference to whom was referred the bill making appropriations for the support of the Government for the years 1848 and 1849 with an amendment made by the Senate in which the House refused to concur, and on which the Senate insist, after freely conferring thereon, have agreed as follows, that the two Houses adopt the following substitute for the amendment of the Senate, "for compensation of the late Auditor, Charles Mason, for taking care of office and for occasional reference to records and papers therein, during the years 1846 and 1847, six hundred dollars.

For compensation of the Comptroller for extra services in the discharge of the duties imposed on him in relation to the public debt of Texas, three hundred dollars.

For compensation of Thomas Ward for taking care of the Capitol and furniture, until the next biennial session of the Legislature one hundred dollars," all of which we are instructed to report to the two Houses and ask their concurrence therein.

JOHN W. DANCY, Chairman

on part of the Senate.

BENJAMIN F. NEAL, Chairman

on part of the House.

A message was received from the Senate informing the House that the Senate had passed,

A bill to be entitled an act regulating proceedings in the

county Court relative to guardians and wards with amendments, taken up, amendments read and concurred in.

Mr. Potter, one of the Judiciary committee made the following report:

Committee Room,
March 18th, 1848.

Hon. James W. Henderson,
Speaker House of Representatives :

The committee on the Judiciary to whom was referred a "Joint Resolution authorizing and requiring the Governor to employ some competent person to digest the laws," have had the same under consideration and have given the subject such consideration as they deem its importance demands. The committee are of opinion that the provisions of the Joint Resolution are wholly insufficient to carry into effect the object intended by the sixteenth section of the seventh article of the Constitution, which is as follows: "Within five years after the adoption of this Constitution, the laws civil and criminal, shall be revised, digested, arranged and published in such manner as the Legislature shall direct; and a like revision, digest and publication shall be made every ten years thereafter. The committee are of opinion that under the provisions of the section named, it is requisite for this Legislature to provide, not only for a digest, but also the revision and arrangement of the laws. Being of this opinion, the committee at a previous day of this session, recommended the passage of a bill to carry out the object intended by the Constitution. The bill reported was long since passed by the House, and went to the Senate for its action. The committee can therefore see no necessity for the further action of the House upon this bill or subject:

The majority of the committee, have accordingly instructed me to report the bill back to the House and recommend that it be laid upon the table until the day after the Legislature shall have adjourned, with liberty for any person who may feel interest sufficient in the matter to take the bill to the town of Franklin, in the county of Robinson, and deposit the same in

any sink hole that may be found in said town or contiguous to the same; there to remain until it shall be resurrected by the action of some future Legislature. All of which is respectfully submitted.

M. M. POTTER,
One of the committee.

Report adopted.

A message was received from the Senate informing the House that the Senate had adopted the report of the committee of conference on the appropriation bill, and

That the Senate had passed a bill to be entitled an act to incorporate the town of Refugio.

On motion of Mr. Rayner,

The House then adjourned until 7 o'clock, p. m.

7 o'clock, p. m.

House met.

Roll called,

Quorum present.

The committee appointed to wait on the Governor reported duty performed.

A message was received from the Senate informing the House that the Senate had passed,

A Joint Resolution relative to the jurisdiction of the territory of Santa Fé, with an amendment, and

An act supplementary to an act to incorporate the town of Santa Fé, and

A substitute for a bill of the House to define the boundaries of Travis county.

Preamble and Joint Resolution relative to the jurisdiction over the Territory of Santa Fé.

Read and concurred in.

Mr. Miller of H., introduced the following Preamble and Joint Resolution :

Whereas, it is a Constitutional injunction on this Legislature to apportion the whole number of Representatives among the several counties, cities and towns according to the number of free white population in each, and the whole number of Senators among the several districts according to the number of qualified electors.

And, whereas, it is also a Constitutional injunction on this Legislature to cause the laws civil and criminal to be revised, digested, arranged and published : and

Whereas, these two Constitutional duties which we are sworn to perform have not yet been accomplished, and

Whereas, the two Houses have resolved to adjourn *sine die* on this the 20th of March.

And whereas, a few days more might enable us to discharge the two great Constitutional duties above alluded to, therefore,

Resolved by the Senate and House of representatives of the State of Texas, That the resolution to adjourn on this day be, and the same is hereby suspended until Thursday the 23d inst.

Read a first time, and

On motion of Mr. Bourland,

Laid on the table for the present.

A message was received from his Excellency the Governor informing the House that all the bills and Joint Resolutions which he has received since his last communication to the House have received his signature.

A message was received from the Senate informing the House that the Senate had passed,

A Joint Resolution originating in the House of Representatives granting to James B. Shaw leave of absence from his office for the term of six weeks in 1848.

Mr. Bourland moved to raise a committee to inform the Hon. Senate that the House will adjourn *sine die* on this night at 12 o'clock,

Carried.

Whereupon the Speaker appointed,

Messrs. Bourland and Carothers said committee.

The committee returned and reported duty performed.

A message was received from the Senate informing the House that the Senate had passed a bill originating in the

House of Representatives entitled an act to organize Justices Courts.

Mr. Bourland introduced the following resolution.

Resolved, That the Chief Clerk be and he is hereby authorized and required to approve the account of the Porter, to be paid out of the contingent fund of the House of Representatives.

Mr. Goode introduced the following resolution :

Resolved, that the Chief Clerk of the House of Representatives be required to remain in charge of the papers and documents of the House of Representatives for two weeks after the final adjournment of the present Legislature for the purpose of arranging and filing them properly, and that he deliver them to the person authorized by law to receive them.

Also, that he be allowed the same *per diem* pay for his services in this behalf that is allowed by law for the *per diem* of Clerks of the present Legislature, and that the same be paid out of the contingent fund of the present Legislature.

A message was received from the Senate, informing the House that the Senate had passed a bill to be entitled an act, supplementary to an act to provide for ascertaining the debt of the late Republic of Texas.

A bill to be entitled an act, supplementary to an act, making appropriations for the support of the Government for the years 1848 and 1849, taken up, and read a first time.

Rule suspended, bill read a second time, and ordered to be engrossed.

Rule further suspended, bill read third time and passed.

Mr. DeCordova introduced a bill to be entitled an act to protect the legal rights of the heirs of soldiers who perished during our struggle for independence.

Read a first time, and laid on the table.

On motion of Mr. Bourland,

The House then took a recess of 1 hour.

House met—roll called—quorum present.

A message was received from the Senate, informing the House that the Senate had passed a substitute for a bill originating in the House of Representatives, regulating the apportionment of Representation among the several Counties of the State, taken up and read.

Mr. Willie moved its rejection.

Mr. Mosely moved the previous question.

Carried.

Question on the indefinite postponement taken and lost by the following vote:

Yeas—Messrs. Allen, Armstrong, Crutcher, Dennis, Dooley, Fields, Haynie, Lewis, Miller of C., Millican, McCown, Neal, Perry, Runnels, Stoddard and Willie—16.

Nays—Messrs. Speaker, Bogart, Bourland, Bryan, Carothers, Davis of L., Davis of R., DeCordova, Eddy, Epperson, Goode, Lott, Miller of H., Mosely, McNeill, Pease, Potter, Rains, Rayner, Reagan, Robertson, Saddler, Shaw, Sterne, Taylor, Truit, Winkler, Wheeler, and White—30.

The previous question was taken and carried.

Question on the adoption of the substitute taken and carried by the following vote:

Yeas—Messrs. Speaker, Bogart, Bourland, Carothers, Davis of L., Davis of R., DeCordova, Eddy, Epperson, Lott, Miller of H., Mosely, McNeill, Potter, Rains, Reagan, Saddler, Sterne, Stout, Taylor, Truit, Walling, Wheeler and Willie—24.

Nays—Messrs. Allen, Armstrong, Bryan, Crutcher, Dennis, Dooley, Fields, Goode, Haynie, Lewis, Miller of C., Millican, McCown, Neal, Pease, Perry, Rayner, Robertson, Runnels, Shaw, Stoddard and White—22.

A message was received from the Senate, informing the House that the Senate had passed a bill originating in the House of Representatives, to be entitled an act to organize new counties.

Mr. Haynie, one of the committee on Enrolled Bills reported: That the Enrolling Committee have examined, and find correctly Enrolled,

“An act to authorize and require the Governor to employ counsel;”

“An act, supplementary to an act, for the further organization of Henderson county;”

“An act requiring the counties of Polk and Tyler to pay a portion of the debt of Liberty county;”

An act to incorporate the Goliad Statistical Society;”

“Joint Resolution for the relief of William Kellough;”

“An act to regulate proceedings in the County Courts, relating to Guardians and Wards;”

"Preamble and joint resolution relative to the jurisdiction of the Territory of Santa Fe ;"

"An act making appropriations for the support of the Government, for the years 1848 and 1849 ;"

"Joint resolution granting leave of absence to James B. Shaw ;"

"An act, supplementary to an act, to organize Justice's Courts ;"

"An act, supplementary to an act, to provide for ascertaining the debt of the late Republic of Texas ;"

"An act to suppress illegal banking ;"

"An act to incorporate the town of Refugio ;"

"An act to regulate proceedings in County Courts, pertaining to estates of deceased persons ;"

"An act regulating fees of office ;"

And having been signed by the Speaker of the House of Representatives, and President of the Senate, were this day presented to his Excellency, the Governor, for his approval.

Mr. Willie moved to re-consider the vote adopting the substitute offered by the Senate for a bill regulating the apportionment of Representation among the several counties of this State—lost by the following vote :

Yeas—Messrs. Allen, Crutcher, Dennis, Dooley, Fields, Haynie, Lewis, Miller of Colorado, Millican, McCown, Neal, Pease, Perry, Rayner, Robertson, Stoddard, Stewart, White and Willie—19.

Nays—Messrs. Speaker, Armstrong, Bogart, Bourland, Bryan, Carothers, Davis of Liberty, Davis of Robertson, Eddy, Epperson, Goode, Miller of Houston, Mosely, McNeill, Potter, Rains, Reagan, Runnels, Shaw, Sterne, Stout, Taylor Truit, Walling and Winkler—25.

A message was received from the Governor, informing the House that the bills and Joint resolutions transmitted to him since his last announcement to the House of Representatives, had received his signature.

Mr. Willie moved that a committee be raised to wait on and inform the Senate that the House was now ready to adjourn *sine die*.

Carried.

Whereupon the Speaker appointed Messrs. Willie and ,
said committee.

Mr. Allen offered the following resolution :

Whereas, the Hon. James W. Henderson, Speaker of the House of Representatives, has, by the prompt and faithful discharge of his official duties, as well as by the stern decision of character, which has peculiarly characterized his course as the officer elected to preside over our deliberations, given general satisfaction, and called around him many and devotedly zealous friends : And whereas we confide in his ability and integrity as our Speaker, from whom we are now about to be separated, and in his generosity and devotedness as our friend, Therefore,

Be it unanimously resolved, That we do hereby tender our sincere thanks to him as our Speaker and friend, for the promptitude and efficiency with which he has presided over our Legislative Councils ; and that we will look back with unfeigned pleasure, upon the time during which we have with such *unity* and *harmony*, indulged in social intercourse with him and each other.

Resolution unanimously adopted.

Mr. Henderson then rose, and in a spirited and impressive style, delivered the following address, responsive to the sentiments embodied in the foregoing preamble and resolution :—

Gentlemen of the House of Representatives :

Before I am called on to perform the last official act as presiding officer of this body, permit me to return to you my sincere thanks for the sentiments of approval contained in the resolution just adopted by the unanimous voice of this House.

When first called by your partiality to fill this station, I approached it with fear and trembling, relying at that time upon your aid, experience and intelligence to assist me in the performance of its duties. It is highly gratifying to my feelings, and I am proud to acknowledge, that my expectations in that respect have been fully realized ; but for that aid and the courteous bearing of the members towards each other and the chair, my duties would have been far more arduous and perplexing, and much less pleasant than they have been. Called as we were from every portion of our widely extended State, possessing different and conflicting opinions of State policy, representing different local interests with friendships but re-

cently contracted, having to pass upon questions the most exciting in their character, it could not reasonably be expected, that uninterrupted peace and harmony could prevail in our midst. Yet, with all these causes existing at times to separate us, and cause the more angry feelings of our nature to arise, those feelings have even in the storm and heat of debate, when the fearless representative was driven on by a high sense of duty to consummate his favorite measures, been controlled, and a degree of forbearance exhibited towards each other, which has seldom if ever happened in a deliberative body. Gentlemen, can we not ascribe it to the fact, that there has been a generous spirit of forbearance toward each others faults, and a determination by each member to observe the rules of the House, and to sustain the chair in their enforcement; If the duties of my station have been performed to your satisfaction, my highest ambition has already been consummated. If, on the other hand, I have at any time given offence, I hope it has already been forgotten. If I have exhibited a disposition to enforce the rules with rigor at the expense of a courtesy due an honorable member, and I doubt not but I have, I trust that I have also shown a disposition to despatch the business of the House, which you will allow me to plead in extenuation of any apparent rigidity of manner, shown in discharge of duties difficult and often delicate in their character.

Gentlemen: It is highly gratifying to my feelings to know that of the numerous decisions that I have been compelled to make during our long and protracted session, not one has been overruled by you; and in the appointment of the various committees by your order, not one has been taken from my hands. Though this be the fact, I do not flatter myself with the hope that I have not erred, and that I have not made decisions that you would not have reversed but for a generous disposition to sustain the chair in all cases wherein doubt existed. Gentlemen: you were called here as the representatives of a great and gallant State, whose interests were of a weighty character, and upon which the public mind has felt a deep and lively interest from her infancy to the present time. You are also the representatives of an intelligent people; yea, of an enquiring people; and I doubt not that the manner in which you have passed upon those interests, and the laws that you have passed during this session will undergo the strict scrutiny of your respective constituents who have honored you

with the high and sacred trust of representatives, that you have discharged the trust with that fidelity that will ensure to you on your return to them, that welcome plaudit of "well done thou good and faithful servant," which is always grateful to the public agent I have no doubt. Gentlemen: we are now about to separate, and it may be with some of us forever; and it is a source of pride and pleasure to me to know that we all are about to separate as friends, and that all feelings of anger and animosity have been buried, and are now among the things of the past. May I not then indulge the hope that the friendships here contracted may last with our lives: for myself, I can assure you that I shall watch with the deepest feelings of interest, and hail with delight and pleasure your advancement either in private or public life; and should our State ever be assailed by enemies without, or commotion within her borders, I am well assured that she will find in each and every one of my associates on this floor, a friend that will cry aloud for her honor, and who will nerve a strong arm for her defence. In conclusion, permit me to hope that, one and all of you may have a pleasant, safe, and speedy return to your families, friends and constituents, and that in all these relations you may receive the smile of approbation for the faithful performance of your duties as representatives of the State. And now I take an affectionate farewell of you as a body, and announce this house adjourned without day.

The House then adjourned *sine die*.

[This being the Journal of the last day of the session, was not read, and, consequently, not adopted.]